

# Iraq: Politics, Governance, and Human Rights

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## Summary

Since the 2011 U.S. military withdrawal from Iraq, sectarian and ethnic divisions have widened, fueling a major challenge to Iraq's stability and to Iraq's non-Muslim minority communities. Iraq's Sunni Arabs have sided with radical Sunni Islamist insurgents as a means to end Shiite political domination and perceived discrimination by the government of Prime Minister Nuri al-Maliki. Iraq's Kurds have been separately embroiled in political disputes with the Baghdad government over territorial, political, and economic issues, particularly their intent to separately export large volumes of oil produced in the Kurdish region. The political rifts—which were contained by the U.S. military presence but have been escalating since late 2011—erupted into a sustained uprising beginning in December 2013 led by the radical extremist group Islamic State of Iraq and the Levant (ISIL), now renamed the Islamic State. The group and its allies took control of several cities in Anbar Province in early 2014 and in a lightning offensive captured Mosul and several other mostly Sunni cities in June 2014, aided by a partial collapse of the Iraqi Security Forces (ISF). The ISF collapse enabled the Kurds to seize control of the long-coveted city of Kirkuk.

The violence has affected the key driver of Iraq's economy—its production and exportation of oil. Production levels reached a new high of 3.6 million barrels per day (mbd) in April 2014 and have remained roughly at that level, although Iraqi oil exportation through the northern route (about one-third of total exports) has been halted since March 2014.

The ISIL offensive has prompted a U.S. response to ensure that Baghdad and the Kurdish seat of power in Irbil do not fall and that Iraq does not become a base for terrorist attacks in the region or outside the Middle East. The Administration has ruled out any reintroduction of U.S. ground troops to Iraq, but has 800 U.S. military personnel to assess the ISF, gain intelligence on ISIL, and protect American personnel and facilities. As of early August, the United States has been also undertaking limited air strikes to assist the Kurds and some religious minorities. The Administration has linked additional support to the Iraqi government to the formation of an inclusive government following April 30, 2014, elections for the Council of Representatives (COR, parliament). Facing divided opponents, Maliki's slate won the most seats in that election, but the ISF collapse and U.S. and Iraqi Shiite clerical criticism of his leadership have caused Iraqi factions to try to replace Maliki. A COR speaker and president have been selected, and on August 11 the president tapped Da'wa Party member Hayder al-Abbadi as Prime Minister, with 30 days to form a government.

When U.S. forces left in December 2011 in keeping with a November 2008 bilateral U.S.-Iraq Security Agreement (SA), the United States and Iraq agreed to continue a number of security cooperation programs, including U.S. training for the ISF through an Office of Security Cooperation—Iraq (OSC-I) and a State Department police development program. Those programs languished as Iraqi leaders sought to end U.S. political and military tutelage, and Iraqi leaders instead sought U.S. sales of sophisticated arms to Iraq. The United States has expanded and accelerated delivery of HELLFIRE missiles and surveillance systems, and has begun to deliver F-16 combat aircraft and attack helicopters.

The ISIL offensive has caused Iran to increase aid to the Maliki government, potentially increasing Tehran's influence in Iraq, and the Administration has held discussions with Iran diplomatically on restoring stability to Iraq. Please see CRS Report R43612, *Iraq Crisis and U.S. Policy*, by Kenneth Katzman et al.

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## Overview of the Post-Saddam Political Transition

A U.S.-led military coalition, in which about 250,000 U.S. troops participated, crossed the border from Kuwait into Iraq on March 19, 2003. Turkey refused to allow any of the coalition force to move into Iraq from the north. After several weeks of combat, the regime of Saddam Hussein fell on April 9, 2003. During the 2003-2011 presence of U.S. forces, Iraq completed a transition from the dictatorship of Saddam Hussein to a plural political system in which varying sects and ideological and political factions compete in elections. A series of elections began in 2005, after a one-year occupation period and a subsequent seven-month interim period of Iraqi self-governance that gave each community a share of power and prestige to promote cooperation and unity. Still, disputes over the relative claim of each community on power and economic resources permeated almost every issue in Iraq and were never fully resolved. These unresolved differences—muted during the last years of the U.S. military presence—reemerged in mid-2012 and have returned Iraq to sectarian conflict.

### Initial Transition and Construction of the Political System

After the fall of Saddam's regime, the United States set up an occupation structure based on concerns that immediate sovereignty would favor established Islamist and pro-Iranian factions over nascent pro-Western secular parties. In May 2003, President Bush named Ambassador L. Paul Bremer to head a Coalition Provisional Authority (CPA), which was recognized by the United Nations as an occupation authority. In July 2003, Bremer ended Iraqi transition negotiations and appointed a non-sovereign Iraqi advisory body, the 25-member Iraq Governing Council (IGC). U.S. and Iraqi negotiators, advised by a wide range of international officials and experts, drafted a Transitional Administrative Law (TAL, interim constitution), which became effective on March 4, 2004.<sup>1</sup>

On June 28, 2004, Bremer appointed an Iraqi interim government, ending the occupation period. The TAL also laid out a 2005 elections roadmap, based on agreement among all Iraqi factions that elections should determine future political outcomes. The interim government was headed by a prime minister, Iyad al-Allawi, and a president, Sunni tribalist Ghazi al-Yawar. It was heavily populated by parties and factions that had long campaigned to oust Saddam, including the Shiite Islamist parties called the Da'wa Party and the Islamic Supreme Council of Iraq (ISCI). Both of these parties were Iran-supported underground movements that worked to overthrow Saddam Hussein since the early 1980s. Allawi led the Iraq National Accord (INA), a secular, nonsectarian anti-Saddam faction. Allawi is a Shiite Muslim but his supporters are mostly Sunni Arabs, including some former members of the Baath Party.

The first elections process, set for 2005, was to produce a transitional parliament that would supervise writing a new constitution, hold a public referendum on a new constitution, and then hold elections for a full-term government under that constitution. In accordance with the dates specified in the TAL, the first of these elections was held on January 30, 2005, for a 275-seat transitional National Assembly (which would form an executive), four-year-term provincial councils in all 18 provinces ("provincial elections"), and a Kurdistan regional assembly (111 seats). The Assembly election was conducted according to the "proportional representation/closed

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<sup>1</sup> Text, in English, is at <http://www.constitution.org/cons/iraq/TAL.html>.

list” election system, in which voters chose among “political entities” (a party, a coalition of parties, or people). The ballot included 111 entities, 9 of which were multi-party coalitions. Still restive, Sunni Arabs (20% of the overall population) boycotted and won only 17 Assembly seats. The resulting transitional government included PUK leader Jalal Talabani as president and then Da’wa party leader Ibrahim al-Jafari as prime minister. Sunni Arabs held the posts of Assembly speaker, deputy president, one of the deputy prime ministers, and six ministers, including defense.

**Table I. Major Political Factions in Post-Saddam Iraq**

Faction	Leadership/Description
Da’wa Party/State of Law Coalition	The largest faction of the Da’wa Party has been led since 2006 by Nuri al-Maliki, who displaced former Da’wa leader (and former Prime Minister) Ibrahim al-Jaafari. Da’wa was active against Saddam but also had operatives in some Persian Gulf states, including Kuwait, where they committed attacks against the ruling family during the 1980s. Da’wa is the core of the “State of Law” political coalition.
Islamic Supreme Council of Iraq (ISCI)	Current leader is Ammar al-Hakim, who succeeded his father Abd al-Aziz al-Hakim upon his death in 2009. The Hakims descend from the revered late Grand Ayatollah Muhsin Al Hakim, who hosted Iran’s Ayatollah Ruhollah Khomeini when he was in exile in Iraq during 1964-1978. Abd al-Aziz’s elder brother, Mohammad Baqr al-Hakim, had headed the movement when it was an underground opposition movement against Saddam, but Mohammad Baqr was killed outside a Najaf mosque shortly after Saddam’s overthrow in 2003.
Sadrists	Moqtada Al Sadr is leader, despite his “withdrawal from politics” in 2014. Formed a Shiite militia called the Mahdi Army during the U.S. military presence, which it disbanded in 2009. Sadr son of revered Ayatollah Mohammad Sadiq Al Sadr, who was killed by Saddam’s security forces in 1999, and a relative of Mohammad Baqr Al Sadr, a Shiite theoretician and contemporary and colleague of Ayatollah Khomeini. The Sadrists boycotted the January 2005 elections but have competed in all elections since. In 2014, competed under the “Al Ahrar” (Liberal) banner.
Kurdish Factions: Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), and Gorran	Massoud Barzani heads the KDP and is President of the Kurdistan Regional Government (KRG). The PUK is led by Jalal Talabani, who was President of Iraq until the 2014 government section process. New president, Fouad Masoum, is a senior PUK leader as well. Gorran (“Change”) is an offshoot of the PUK.
Iraqi National Alliance/“Iraqiyya”	Led by Iyad al-Allawi, a longtime anti-Saddam activist who was transitional Prime Minister during June 2004-February 2005. Allawi is a Shiite Muslim but most of his bloc’s supporters are Sunnis. Iraqiyya bloc fractured after the 2010 national election into blocs loyal to Allawi and to various Sunni leaders including ex-COR peaker Osama al-Nujaifi and deputy Prime Minister Saleh al-Mutlaq.
Iraqi Islamic Party	Sunni faction loyal to ousted Vice President Tariq al-Hashimi. Hashimi was part of the Iraqiyya alliance in the 2010 election. He fled a Maliki-ordered arrest warrant in late 2011 and has remained mostly in Turkey since.

**Sources:** Various press reports and author conversations with Iraq experts.

## **Permanent Constitution<sup>2</sup>**

A major task accomplished by the elected transitional Assembly was the drafting of a permanent constitution, adopted in a public referendum of October 15, 2005. A 55-member drafting committee in which Sunnis were underrepresented produced a draft providing for the following:

- The three Kurdish-controlled provinces of Dohuk, Irbil, and Sulaymaniyah to constitute a legal “region” administered by the Kurdistan Regional Government (KRG), which would have its own elected president and parliament (Article 113).
- a December 31, 2007, deadline to hold a referendum on whether Kirkuk (Tamim Province) would join the Kurdish region (Article 140).
- designation of Islam as “a main source” of legislation.
- all orders of the CPA to be applicable until amended (Article 126), and a “Federation Council” (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).
- a 25% electoral goal for women (Article 47).
- families to choose which courts to use for family issues (Article 41); making only primary education mandatory (Article 34).
- Islamic law experts and civil law judges to serve on the federal supreme court (Article 89). Many Iraqi women opposed this and the previous provisions as giving too much discretion to male family members.
- two or more provinces to join together to form new autonomous “regions.” This provision was implemented by an October 2006 law on formation of regions.
- “regions” to organize internal security forces, legitimizing the fielding of the Kurds’ *peshmerga* militia (Article 117). This continued a TAL provision.
- the central government to distribute oil and gas revenues from “current fields” in proportion to population, and for regions to have a role in allocating revenues from new energy discoveries (Article 109).

These provisions left many disputes unresolved, particularly the balance between central government and regional and local authority. The TAL made approval of the constitution subject to a veto if a two-thirds majority of voters in any three provinces voted it down. Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, despite a U.S.-mediated agreement of October 11, 2005, to have a future vote on amendments to the constitution. The Sunni provinces of Anbar and Salahuddin had a 97% and 82% “no” vote, respectively, but the constitution was adopted because Nineveh Province voted 55% “no”—short of the two-thirds “no” majority needed to vote the constitution down.

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<sup>2</sup> Text of the Iraqi constitution is at <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.



## **December 15, 2005, Elections Establish the First Full-Term Government**

The December 15, 2005, elections were for a full-term (four-year) national government (also in line with the schedule laid out in the TAL). Each province contributed a set number of seats to a “Council of Representatives” (COR), a formula adopted to attract Sunni participation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed list” voting system (in which votes are cast only for parties and coalitions, not individual candidates). The Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the replacement of Jafari with another Da’wa figure, Nuri Kamal al-Maliki, as Prime Minister.

On April 22, 2006, the COR approved Talabani to continue as president. His two deputies were Adel Abd al-Mahdi (incumbent) of ISCI and Tariq al-Hashimi, leader of the mostly Sunni Iraqi Islamic Party (IIP). Another Sunni figure, Mahmoud Mashhadani, became COR speaker. Maliki won COR approval of a 37-member cabinet on May 20, 2006. Of the 37 posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

## **2006-2011: Sectarian Conflict and U.S. “Surge”**

The Bush Administration deemed the 2005 elections successful, but the vote did not resolve the Sunni-Arab grievances over their diminished positions in the power structure. Subsequent events worsened the violence by reinforcing the political weakness of the Sunni Arabs. With tensions high, the bombing of a major Shiite shrine (Al Askari Mosque) in the Sunni-dominated city of Samarra (Salahuddin Province) in February 2006 set off major sectarian unrest. Sunni insurgents attacked government and U.S. troops and conducted high-casualty suicide and other bombings, and Shiite militia factions murdered Sunnis in Baghdad and elsewhere in response. The sectarian violence was so serious that many experts, by the end of 2006, were considering the U.S. mission as failing—an outcome that an “Iraq Study Group” concluded was a significant possibility absent a major change in U.S. policy.<sup>3</sup>

As assessments of possible overall U.S. policy failure multiplied, the Administration and Iraq agreed in August 2006 on a series of “benchmarks” that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), “progress” on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and September 15, 2007—was required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq. President Bush exercised the waiver provision. The law also mandated an assessment by the Government Accountability Office, by September 1, 2007, of Iraqi performance on the benchmarks, as well as an outside assessment of the Iraqi Security Forces (ISF).

In early 2007, the United States began a “surge” of about 30,000 additional U.S. forces (bringing U.S. troop levels from their 2004-2006 baseline of about 138,000 to about 170,000) in order to blunt insurgent momentum and take advantage of growing Sunni Arab rejection of extremist groups. The Administration cited as partial justification for the surge the Iraq Study Group’s

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<sup>3</sup> “The Iraq Study Group Report.” Vintage Books, 2006. The Iraq Study Group was funded by the conference report on P.L. 109-234, FY2006 supplemental, which provided \$1 million to the U.S. Institute of Peace for operations of an Iraq Study Group. The legislation did not specify the Group’s exact mandate or its composition.

recommendation of such a step. As 2008 progressed, citing the achievement of many of the major Iraqi legislative benchmarks and a dramatic drop in sectarian violence, the Bush Administration asserted that political reconciliation was advancing. However, U.S. officials maintained that the extent and durability of the reconciliation would depend on implementation of adopted laws, on further compromises among ethnic groups, and on continuing reductions in levels of violence.

### **United Nations Assistance Mission—Iraq (UNAMI)**

The United Nations contributed to political reconciliation through its U.N. Assistance Mission—Iraq (UNAMI). The head of UNAMI is also the Special Representative of the Secretary General for Iraq. The mandate of UNAMI was established in 2003 and U.N. Security Council Resolution 2110 of July 24, 2013, provided the latest yearly renewal (until July 31, 2014). UNAMI's primary activities have been to help build civil society, assist vulnerable populations, consult on possible solutions to the Arab-Kurd dispute over Kirkuk Province (see below), and resolve the status of the Iranian opposition group People's Mojahedin Organization of Iran that remains in Iraq (see below). The first head of the office was killed in a car bombing on his headquarters in August 2003. Ad Melkert was the UNAMI head during 2009-2011. He was replaced in September 2011 by Martin Kobler, who was replaced by Bulgarian diplomat Nickolay Mladenov in September 2013.

## **Iraqi Governance Strengthens As Sectarian Conflict Abates**

The passage of Iraqi laws in 2008 that were considered crucial to reconciliation, continued reductions in violence accomplished by the U.S. surge, and the Sunni militant turn away from violence facilitated political stabilization. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs (Operation Charge of the Knights) pacified the city and caused many Sunnis and Kurds to see Maliki as willing to take on armed groups even if they were Shiite. This contributed to a decision in July 2008 by several Sunni ministers to end a one-year boycott of the cabinet.

### **Empowering Local Governance: 2008 Provincial Powers Law**

In 2008, a “provincial powers law” (Law Number 21) was adopted to decentralize governance by delineating substantial powers for provincial (governorate) councils. It replaced a 1969 Provinces Law (Number 159). Under the 2008 law, the provincial councils enact provincial legislation, regulations, and procedures, and choose the province’s governor and two deputy governors. The provincial administrations, which serve four-year terms, draft provincial budgets and implement federal policies. Some central government funds are given as grants directly to provincial administrations for their use.

Since enactment, Law 21 has been used on several occasions to try to pacify restive areas of Iraq. Law 21 was amended in June 2013 to give the provincial governments substantially more power, a move intended to satisfy Sunnis. As a consequence of that and other laws, provinces have a greater claim on Iraqi financial resources than do districts, and many communities that dominate specific areas support converting their areas into provinces. In December 2013, the central government decided to convert the district of Halabja—a symbolic city to the Kurds because of Saddam’s use of chemical weapons there in 1988—into a separate province. On January 21, 2014, the government announced it had decided to convert several districts into new provinces: Fallujah (in Anbar Province), a hotbed of Sunni restiveness; Tuz Khurmatu (in Salahuddin Province) and Tal Affar (in Nineveh Province), which both have Turkmen majorities; and the Nineveh Plains (also in Nineveh), which has a mostly Assyrian Christian population. This latter announcement came amid a major Sunni uprising in Anbar Province, discussed below, and appeared clearly intended to keep minorities and Sunnis on the side of the Maliki government.

*2009 Provincial Elections.* After the 2008 provincial powers law was enacted, the next set of provincial elections were planned for October 1, 2008. They were postponed when Kurdish opposition caused a presidential veto of a July 22, 2008 draft election law that provided for equal division of power in Kirkuk (among Kurds, Arabs, and Turkomans)—a proposal that would have diluted Kurdish dominance there. On September 24, 2008, the COR passed another election law, providing for the provincial elections by January 31, 2009, but putting off provincial elections in Kirkuk and the three KRG provinces. About 14,500 candidates (including 4,000 women) vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election violence was minimal but turnout was lower than expected at about 51%.

The certified vote totals (March 29, 2009) gave Maliki's State of Law Coalition a victory with 126 out of the 440 seats available (28%). ISCI went from 200 council seats to only 50, a result observers attributed to its perceived close ties to Iran and its corruption. Iyad al-Allawi's faction won 26 seats, a gain of eight seats, and a competing Sunni faction loyal to Tariq al-Hashimi won 32 seats, a loss of about 15. Sunni tribal leaders, who were widely credited for turning Iraqi Sunnis against Al Qaeda-linked extremists in Iraq, had boycotted the 2005 elections but participated in the 2009 elections. Their slate came in first in Anbar Province. Although Maliki's State of Law coalition fared well, his party still needed to strike bargains with rival factions to form provincial administrations. Subsequent provincial elections in Arab-dominated provinces were held during April-June 2013, as discussed below.

## **The March 7, 2010, Elections: Shiites Fracture and Sunnis Cohere**

With the strong showing of the State of Law list in the provincial elections, Maliki was favored to retain his position in the March 7, 2010, COR elections that would choose the next government. Yet, as 2009 progressed, Maliki's image as protector of law and order was tarnished by several high-profile attacks, including major bombings in Baghdad on August 20, 2009, in which almost 100 Iraqis were killed and the buildings housing the Ministry of Finance and of Foreign Affairs were heavily damaged. As Maliki's image of strong leadership faded, Shiite unity broke down and a strong rival Shiite slate took shape—the "Iraqi National Alliance (INA)" consisting of ISCI, the Sadrists, and other Shiite figures. The INA coalition believed that each of its component factions would draw support from their individual constituencies to produce an election victory.

To Sunni Arabs, the outwardly cross-sectarian Iraq National Movement (Iraqiyya) of former transitional Prime Minister Iyad al-Allawi (a broader coalition than his INA faction) had strong appeal. There was an openly Sunni slate, leaning Islamist, called the Accordance, and some Sunni figures joined Shiite slates in order to improve their chances of winning a seat.

## **Election Law and "De-Baathification" Controversies**

The 2010 election was clouded by several disputes over election rules and procedures. Under the Iraqi constitution, the elections were to be held by January 31, 2010, in order to allow 45 days before the March 15, 2010, expiry of the COR's term. The election laws that run the election and can shape the election outcome were the subject of disputes, and the COR repeatedly missed self-imposed deadlines to pass them. Many COR members leaned toward a closed list system, but those who wanted an open list vote (allowing voters to vote for candidates as well as coalition slates) prevailed. Sunnis lost their struggle to have "reserved seats" for Iraqis in exile; many

Sunnis had gone into exile after the fall of Saddam Hussein. Each province served as a single constituency (see **Table 3** for the number of seats per province).

The version of the election law passed by the COR on November 8, 2009 (141 out of 195 COR deputies voting), expanded the size of the COR to 325 total seats. Of these, 310 were allocated by province, with the constituency sizes ranging from Baghdad's 68 seats to Muthanna's 7. The remaining 15 seats were to be minority reserved seats and "compensatory seats"—seats allocated from "leftover" votes for parties and slates that did not meet a minimum threshold to win any seat.

The 2010 electoral process was at least partly intended to bring Sunni Arabs further into the political structure. That goal was jeopardized by a major dispute over candidate eligibility. In January 2010, the Justice and Accountability Commission (JAC, the successor to the De-Baathification Commission that worked since the fall of Saddam to purge former Baathists from government) invalidated the candidacies of 499 individuals (out of 6,500 candidates running) on many different slates. The JAC was headed by Ali al-Lami, but was heavily influenced by Ahmad Chalabi, who had headed the De-Baathification Commission. Both are Shiites, leading many to believe that the disqualifications represented an attempt to exclude prominent Sunnis. Appeals reinstated many of them, although about 300 had already been replaced by other candidates on their respective slates, including senior Iraqiyya figure Saleh al-Mutlaq. Maliki later named the Minister for Human Rights to also serve as JAC chairman. The JAC continues to vet candidates.

## **Election, Results and Post-Election Government**

The final candidate list contained about 6,170 total candidates spanning 85 coalitions (depicted in **Table 2**). Total turnout was about 62%, and the final count was announced on March 26, 2010, and certified on June 1, 2010. As noted in **Table 3**, Iraqiyya won a narrow plurality of seats (two-seat margin over Maliki's State of Law slate). The Iraqi constitution (Article 73) mandates that the COR "bloc with the largest number" of members gets the first opportunity to form a government and Allawi demanded the first opportunity to form a government. However, on March 28, 2010, Iraq's Supreme Court ruled that a coalition that forms after the election could be deemed to meet that requirement, denying Allawi the first opportunity to form a government.

In accordance with timelines established in the Constitution, the newly elected COR convened on June 15, 2010, but the session ended abruptly without electing a COR leadership team. Subsequent constitutional deadlines to select a president, a prime minister, and a full government were not met. On October 1, 2010, Maliki received the backing of most of the 40 COR Sadrist deputies—support reportedly orchestrated by Iran. The Obama Administration also backed a second Maliki term while demanding that Maliki form a government inclusive of Sunni leaders.

On November 10, 2010, the Irbil Agreement was finalized in which (1) Maliki and Talabani would remain in their offices for another term; (2) Iraqiyya would be extensively represented in government—one of its figures would become COR Speaker, another would be defense minister, and another (presumably Allawi himself) would chair an oversight body called the "National Council for Strategic Policies";<sup>4</sup> and (3) de-Baathification laws would be eased.

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<sup>4</sup> Fadel, Leila and Karen DeYoung. "Iraqi Leaders Crack Political Deadlock." *Washington Post*, November 11, 2010.

At the November 11, 2010, COR session to implement the agreement, Iraqiyya figure Usama al-Nujaifi (brother of Nineveh Governor Atheel Nujaifi) was elected COR speaker. Several days later, Talabani was reelected president and Talabani tapped Maliki as prime minister-designate, giving him until December 25, 2010, to achieve COR confirmation of a cabinet. That requirement was met on December 21, 2010. Among major outcomes were the following:

- As for the State of Law list, Maliki remained prime minister, and retained for himself the Defense, Interior, and National Security (minister of state) posts. The faction took seven other cabinet posts, in addition to the post of first vice president (Khudayr al Khuzai) and deputy prime minister for energy issues (Hussein Shahrastani, previously the oil minister).
- For Iraqiyya, Saleh al-Mutlaq was appointed a deputy Prime Minister and Tariq al-Hashimi remained a vice president (second of three). The bloc also obtained nine ministerial posts, including Finance Minister Rafi al-Issawi.
- The Iraqi National Alliance obtained 13 cabinet positions, of which Sadrists got eight ministries as well as one of two deputy COR speakerships. INA technocrat Abd al Karim Luaibi was appointed oil minister. Fadilah party member Bushra Saleh became minister of state without portfolio and the only woman in the cabinet at that time.
- The Kurds received major posts aside from Talabani. The third deputy prime minister is PUK figure Rows Shaways, who has served in various central government and KRG positions. Kurds obtained six other cabinet seats, including longtime Kurdish (KDP) stalwart Hoshyar Zebari remaining as foreign minister (a position he had held since 2004). Khairallah Hassan Babakir was named trade minister in February 13, 2011.

## **Grievances Unresolved as U.S. Withdraws**

The 2010 election in Iraq occurred near the end of the U.S. military presence in Iraq, which, under the 2008 Security Agreement (SA) with Iraq, had begun to wind down in 2009 and was to conclude by the end of 2011. In addition to disputes over the power structure, numerous related issues were left unresolved, as discussed in the following sections.

### **Armed Sunni Groups**

The power sharing arrangement reached among senior politicians did not produce dismantlement of the several Sunni armed groups that were operating in Iraq during and after the U.S. military exit from Iraq at the end of 2011. Such groups included Baath Party and Saddam Hussein supporters as well as hardline Islamists linked to Al Qaeda and Sunni tribal fighters. These armed groups comprised, broadly, the insurgency against U.S. forces in Iraq. The armed groups were relatively quiescent for the final two years of the U.S. presence in Iraq, but after 2011 re-emerged to challenge stability and the Maliki government—drawing on increasing Sunni support as resentment of Shiite political domination increased.



## **Al Qaeda in Iraq/Islamic State of Iraq and the Levant (ISIL)/Islamic State**

Iraq's Al Qaeda affiliate constitutes the most violent component of the Sunni rebellion that has become a major threat to Iraqi stability in 2014. It operates under the name Islamic State of Iraq and the Levant (ISIL) or, alternately, Islamic State of Iraq and Syria (ISIS). In late June 2014, the group changed its name to the Islamic State (IS), and declared its leader Abu Bakr Al Baghdadi, as the "Commander of the Faithful"—a term essentially declaring him leader of all Muslims. It also declared a caliphate in the territory it controls in Iraq and Syria. It is a successor to Al Qaeda in Iraq (AQ-I), which was led by Jordanian militant Abu Musab al-Zarqawi until his death by U.S. airstrike in 2006.<sup>5</sup>

Baghdadi envisions an Islamic caliphate spanning the Islamic world. The group is widely considered an Al Qaeda affiliate, despite its disputes with senior Al Qaeda leaders based in Pakistan. A major question is whether it has ambitions to attack the U.S. homeland, U.S. facilities or personnel in or outside the Middle East, or other non-Muslim countries. In October 2012, Jordanian authorities disrupted an alleged plot by AQ-I/ISIL to bomb multiple targets in Amman, Jordan, possibly including the U.S. Embassy there. The State Department report on terrorism for 2013 estimated that there might be about 1,000-2,000 ISIL fighters in Iraq.<sup>6</sup>

ISIL-initiated attacks escalated significantly after an assault on Sunni protesters in the town of Hawija on April 23, 2013. According to some experts, by 2013 ISIL increased its activity level to about 40 mass casualty attacks per month, far more than the 10 per month of 2010, and including attacks spanning multiple cities.<sup>7</sup> In 2013, ISIL began asserting control of territory, including operating some training camps in areas close to the Syria border.<sup>8</sup> On July 21, 2013, the group attacked prisons at Abu Ghraib and freed several hundred purported ISIL members. The head of the National Counterterrorism Center, Matt Olsen, told Congress on November 14, 2013, that ISIL is the strongest it has been since its peak in 2006.<sup>9</sup> During his visit to Washington, DC, during October 29-November 1, 2013, Maliki attributed the violence in Iraq to "terrorists" affiliated with ISIL, and downplayed broader Sunni resentment.<sup>10</sup> Since then, ISIL-led fighters have gained control of significant territory, as discussed below.

## **Naqshabandi Order (JRTN) and Ex-Saddam Military Commanders**

Some groups that were prominent during the insurgency against U.S. forces remain allied with ISIL or active independently against the Maliki government. One such Sunni group, linked to ex-Baathists, is the Naqshabandi Order, known by its Arabic acronym "JRTN."<sup>11</sup> It is based primarily in Nineveh Province and has been designated by the United States as a Foreign Terrorist

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<sup>5</sup> An antecedent of AQ-I was named by the United States as a Foreign Terrorist Organization (FTO) in March 2004 and the designation applies to AQ-I and now ISIL.

<sup>6</sup> State Department. Office of the Coordinator for Counterterrorism. Country Reports on Terrorism: 2013, April 30, 2014.

<sup>7</sup> Michael Knights. "Rebuilding Iraq's Counterterrorism Capabilities." *Washington Institute for Near East Policy*, July 31, 2013.

<sup>8</sup> Ben Van Heuvelen. "Al Qaeda-Linked Group Gaining Ground in Iraq." *Washington Post*, December 8, 2013.

<sup>9</sup> Eileen Sullivan. "Official: Al-Qaida in Iraq Strongest Since 2006." Associated Press, November 14, 2013.

<sup>10</sup> Prime Minister Maliki address at the U.S. Institute of Peace. Attended by the author, October 31, 2013.

<sup>11</sup> The acronym stands for Jaysh al-Rijal al-Tariq al-Naqshabandi, which translated means Army of the Men of the Naqshabandi Order.

Organization (FTO). Prior to the escalation of Sunni violence in 2013, the JRTN was responsible primarily for attacks on U.S. facilities in northern Iraq, which might have contributed to the State Department decision in mid-2012 to close the Kirkuk consulate. The faction has supported Sunni demonstrators, and in February 2013 Sunnis linked to the JRTN circulated praise for the protests from the highest-ranking Saddam regime figure still at large, Izzat Ibrahim al Duri. Duri reportedly has re-emerged in the course of the ISIL-led offensive in June 2014. Other rebels are said to be linked to long-standing insurgent groups such as the 1920 Revolution Brigades or the Islamic Army of Iraq.

Generally aligned with the JRTN are ex-Saddam era military officers who were dismissed during the period of U.S. occupation and control in Iraq. Press reports in early 2014 said that ex-officers are the commanders of a new opposition structure called the “General Military Council for Iraqi Revolutionaries,” which includes Sunni tribal fighters discussed below and other ex-insurgent figures.

### **Sunni Tribal Leaders/Sons of Iraq Fighters**

One Sunni armed group supported the government but has split as the rift between Iraq’s Sunnis and the Shiite majority has widened since 2011. This group is the approximately 100,000 Sons of Iraq fighters, also known as Awakening fighters—former insurgents who in 2006 began cooperating with U.S. forces against radical Islamic extremist groups such as AQ-I.

Many of the Sons of Iraq are linked to the tribes of Anbar Province. The tribal leaders, such as Ahmad Abu Risha and Hatem al-Dulaymi, do not want an Islamic state or Islamic law imposed, but they do want a more representative central government in Baghdad as well as the stability to facilitate commerce. Abu Risha is the brother of the slain tribal leader Abdul Sattar Abu Risha, who was a key figure in starting the Awakening movement that aligned Sunni insurgents with the U.S. military. During the later stages of the U.S. intervention in Iraq, the Iraqi government promised the Sons of Iraq integration into the Iraqi Security Forces (ISF) or government jobs. About 70,000 were integrated into the ISF or given civilian government jobs, while 30,000-40,000 continued to man checkpoints in Sunni areas and are paid about \$500 per month by the government. The bulk of the Sons of Iraq fighters did not join the ISIL-led Sunni uprising in early 2014, but some more of the Sons reportedly joined in the course of the ISIL offensive in June 2014.

Some of the Sons of Iraq and their tribal recruiters are supporters of such Sunni Islamist organizations as the Muslim Scholars Association (MSA). The MSA is led by Harith al-Dari, who in 2006 fled U.S. counter-insurgency operations to live in Jordan. Harith al-Dari’s son, Muthana, reportedly is active against the Maliki government currently.

### **The Sadr Faction and Shiite Militias**

The 2006-2008 period of sectarian conflict was fueled in part by retaliatory attacks by Shiite militias such as those emanating from the faction of Shiite cleric Moqtada Al Sadr. The large Sadrist constituency, particularly among lower class Shiites, has caused rivalry with Maliki and other Shiite leaders in Iraq. Sadr was part of an anti-Maliki Shiite coalition for the March 2010 elections, then supported Maliki for a second term, and still later joined the unsuccessful effort to vote no-confidence against Maliki. Sadr publicly opposed Maliki serving a third term subsequent to the April 30, 2014, elections. In February 2014, Sadr publicly announced his formal

withdrawal from Iraqi politics, but Sadrist representatives remain in their posts and Sadr continues to influence their activities. Sadrist candidates ran in the April 30, 2014, elections.

Sadr's ostensible withdrawal from politics represents a departure from the high level of activity he has exhibited since he returned to Iraq, from his studies in Iran, in January 2011. After his return, he gave numerous speeches that, among other themes, insisted on full implementation of a planned U.S. withdrawal by the end of 2011. Sadr's position on the U.S. withdrawal appeared so firm that, in an April 9, 2011, statement, he threatened to reactivate his Mahdi Army militia if U.S. forces remained in Iraq beyond the December 31, 2011, deadline. In 2009, the Mahdi Army announced it would integrate into the political process as a charity and employment network called *Mumahidoon*, or "those who pave the way." Sadr's followers conducted a large march in Baghdad on May 26, 2011, demanding a full U.S. military exit. The threats were pivotal to the Iraqi decision not to retain U.S. troops in Iraq beyond 2011. However, press reports indicate that former Mahdi Army militiamen reactivated in June 2014 to help the ISF counter the ISIL-led threat to Baghdad itself.

### **Sadrist Offshoots and Other Shiite Militias**

Although Sadr formed what was the largest Shiite militia in post-Saddam Iraq, his efforts unleashed separate Shiite militant forces. They operate under names including Asa'ib Ahl al-Haq (AAH, League of the Family of the Righteous), Khata'ib Hezbollah (Hezbollah Battalions), and Promised Day Brigade. In June 2009, Khata'ib Hezbollah was named by the United States as a Foreign Terrorist Organization (FTO). On November 8, 2012, the Treasury Department designated several Khata'ib Hezbollah operatives, and their Iranian Revolutionary Guard—Qods Force mentors as terrorism supporting entities under Executive Order 13224.

The Shiite militias cooperating with Iranian policy to ensure that the United States completely withdrew from Iraq. U.S. officials accused these militias of causing an elevated level of U.S. troop deaths in June 2011 (14 killed, the highest in any month in over 1 year). During 2011, U.S. officials accused Iran of arming these militias with upgraded rocket-propelled munitions, such as Improvised Rocket Assisted Munitions (IRAMs). U.S. officials reportedly requested that the Iraqi government prevail on Iran to stop aiding the militias, actions that temporarily quieted the Shiite attacks on U.S. forces in Iraq. Until the U.S. withdrawal in December 2011, some rocket attacks continued against the U.S. consulate in Basra, which has nearly 1,000 U.S. personnel (including contractors).

The U.S. exit in 2011 removed other militias' justification for armed activity and they moved into the political process. AAH's leaders returned from Iran and opened political offices, trying to recruit loyalists, and setting up social service programs. The group, reportedly supported by Iran, did not compete in the April 20, 2013, provincial elections, but competed as an informal Maliki ally in the 2014 national elections (Al Sadiqun, "the Friends," slate 218).<sup>12</sup> AAH's leader, Qais al-Khazali, took refuge in Iran in 2010 after three years in U.S. custody for his alleged role in a 2005 raid that killed five American soldiers.

Prior to 2013, experts had maintained that the Shiite militias were acting with restraint by not retaliating for Sunni attacks on Shiite citizens. This restraint began to weaken in mid-2013 as some militias conducted retaliatory attacks on Sunnis. The militias also cooperated with the

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<sup>12</sup> Liz Sly, "Iran-Tied Group Is On Rise in Iraq," *Washington Post*, February 19, 2013.



Shiite-dominated ISF to counter the early 2014 Sunni-led insurrection in Anbar Province and elsewhere. The militias mobilized in reportedly larger numbers to assist the ISF in the defense of Baghdad and other operations in the face of the ISIL offensive in June 2014. Some of the Iraqi Shiite militiamen assisting the ISF returned from Syria, where they were protecting Shiite shrines and conducting other combat in support of the government of Bashar Al Assad.<sup>13</sup>

## **The Kurds and the Kurdistan Regional Government (KRG)<sup>14</sup>**

Since the end of the U.S.-led war to liberate Kuwait in early 1991, the United States has played a role in protecting Iraq's Kurdish autonomy—while insisting that Iraq's territorial integrity not be compromised by an Iraqi Kurdish move toward independence. Iraq's Kurds have tried to preserve the “special relationship” with the United States and use it to their advantage. The collapse of the ISF in northern Iraq enabled the Kurds to seize long-coveted Kirkuk and to more intensively discuss moving toward full independence. However, the collapse of Baghdad's forces also contributed to the advance of the heavily armed ISIL force close to the KRG capital Irbil before U.S. airstrikes in early August 2014 stalled some of the ISIL momentum toward that city.

Iraqi Kurdish threats to seek outright independence had been increasing in recent years as the issues dividing the KRG and Baghdad have expanded. A key issue dividing the KRG and the central government has been the KRG's assertion of the right to export oil produced in the KRG region—which Baghdad strongly opposes. The seizure of Kirkuk has given the Kurds even more control over economic resources. In late June 2014, KRG President Barzani said the Kurds might hold a referendum on independence within a few months.

The Iraqi Kurds have long been divided between two main factions—the Patriotic Union of Kurdistan (PUK), and the Kurdistan Democratic Party (KDP). The two have abided by a power sharing arrangement forged in 2007, but they have a history of disputes and sometimes armed confrontation. The KRG has a President, Masoud Barzani, directly elected in July 2009, an elected Kurdistan National Assembly (KNA, sometimes called the Kurdistan Parliament of Iraq, or KPI), and an appointed Prime Minister. Since January 2012, the KRG Prime Minister has been Nechirvan Barzani (Masoud's nephew), who replaced PUK senior figure Barham Salih. Masoud Barzani's son, Suroor, heads a KRG “national security council.” Over the past five years, however, a new faction has emerged as a significant group in Kurdish politics—Gorran (Change), a PUK breakaway. The electoral success of Gorran, coupled with the continued infirmity of then Iraqi President Jalal Talabani (head of the PUK), shifted Kurdish political strength to the KDP. Gorran was confirmed as a significant Kurdish faction with the July 2014 selection of Aram al-Sheikh Mohammad, a Gorran leader, as second deputy COR speaker—he became the first Gorran leader to obtain a senior leadership post in the central government.

The Iraqi Kurds—as permitted in the Iraqi constitution—field their own force of *peshmerga* (Kurdish militiamen) and Zeravani ground forces, which together number about 150,000 active duty fighters. They have about 350 tanks and 40 helicopter gunships, but have not been eligible to separately purchase additional U.S. weaponry. All U.S. foreign military sales (FMS) go through central governments, and Baghdad has generally refused to provide a portion of its U.S.

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<sup>13</sup> Abigail Hauslohner. “Iraqi Shiites Take Up the Cudgels for Syrian Government.” *Washington Post*, May 27, 2013.

<sup>14</sup> For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.

weaponry to the KRG. The Kurdish militias are under the KRG's Ministry of Peshmerga Affairs and are paid out of the KRG budget. The KRG is in the process of reforming the *peshmerga* into a smaller but more professional and well trained force.

## **Kirkuk Territorial Dispute**

The Kurdish seizure of Kirkuk followed years in which there was little progress in resolving the various territorial disputes between the Kurds and the central government dominated by Iraq's Arabs. The most emotional of these is the Kurdish insistence that Tamim/Kirkuk Province (which includes oil-rich Kirkuk city) is "Kurdish land" and must be formally affiliated to the KRG. Most of the oil in the KRG region is in Kirkuk, and KRG control over the province gives the KRG more economic leverage. There was to be a census and referendum on the affiliation of the province by December 31, 2007, under Article 140 of the Constitution, but the Kurds have agreed to repeated delays in order to avoid jeopardizing overall progress in Iraq. Nor has the national census that is pivotal to any such referendum been conducted; it was scheduled for October 24, 2010, but then repeatedly postponed by the broader political crises. On the other hand, some KRG-Baghdad disputes moved forward. The Property Claims Commission that is adjudicating claims from the Saddam regime's forced resettlement of Arabs into the KRG region is functioning. Of the 178,000 claims received, nearly 26,000 were approved and 90,000 rejected or ruled invalid by the end of 2011, according to the State Department.

The Kirkuk dispute may have been mooted by the Kurds' seizure of Kirkuk in the face of the ISF collapse in the ISIL offensive of June 2014. Many experts assess that the Kurds will be hesitant to yield back their positions to the central government if the ISF regroup and seeks to assert control of Kirkuk again.

## **KRG Oil Exports**

The KRG and Baghdad are still at odds over the Kurds' insistence that it export oil that is discovered and extracted in the KRG region. Baghdad reportedly fears that Kurdish oil exports can potentially enable the Kurds to set up an economically viable independent state and has called the KRG's separate energy development deals with international firms "illegal." Baghdad has supported KRG oil exports provided these exports go through the national oil export pipeline grid. Revenues earned under that arrangement go to the central government, and an agreed 17% share of those revenues go to the KRG. Baghdad pays the international oil companies working in the KRG. However, KRG oil exports through this system have been repeatedly suspended over KRG-central government disputes on related issues, such as Baghdad's arrears due to the international firms. For example, the 2013 national Iraqi budget allocated only \$650 million to the companies exporting KRG oil—short of the \$3.5 billion owed international firms for that purpose. The Kurds boycotted a March 17, 2014, COR vote on the 2014-2015 national budget because it penalized the KRG financially for exporting any less than 400,000 barrels per day of oil through national export routes and marketing institutions. As of January 2014, the Iraqi government had suspended all but a small fraction of its payments of about \$1 billion per month to the KRG on the grounds that the KRG was not contributing oil revenue to the national coffers.

In the absence of agreement between the KRG and Baghdad, the KRG has exported some oil through a newly constructed pipeline to Turkey (that the Kurds assert bypasses the Iraqi national grid, even though it intersects in Turkey with the Iraq-Turkey pipeline controlled by Baghdad) capable of carrying 300,000 barrels per day of oil. Some of the oil was stored pending resolution

of the dispute over whether the KRG or Baghdad have the right to market the oil and collect the revenue.<sup>15</sup> The Kurds did export much of that oil in May 2014 in defiance of the central government, and companies in Israel and Singapore bought the oil. Some shipments to U.S. refiners in Texas were not immediately offloaded as a result of an Iraqi government legal challenge to the KRG right to sell that oil. The KRG trucks an additional 60,000 barrels per day to Turkey.

KRG fields currently have the potential to export 500,000 barrels per day and are expected to be able to increase exports to 1 million barrels per day by 2019,<sup>16</sup> if export routes are available. The Obama Administration has generally sided with Baghdad on these disputes, asserting that major international energy projects involving Iraq should be implemented through a unified central government in Baghdad. However, the Kurdish seizure of Kirkuk in June 2014 increases the likelihood that the KRG will separately export its oil indefinitely.

Related to the disputes over KRG oil exports is a broader disagreement over foreign firm involvement in the KRG energy sector. The central government has sought to deny energy deals with the central government to companies that sign development deals with the KRG. This dispute has affected such firms as Exxon-Mobil and Total SA of France.

## **KRG Elections and Intra-Kurdish Divisions**

Provincial elections in the KRG-controlled provinces were not held during the nationwide provincial or parliamentary elections in 2009 or 2010. In April 2013, the KRG announced that elections would be held in 2013 for provincial councils in the three KRG provinces, for the KNA, and for the KRG presidency. However, on July 1, 2013, the KNA voted, after substantial debate, to extend Barzani's term two years, until August 19, 2015. Subsequently, the IHEC, which runs elections even in the KRG area, persuaded the KRG it could not also hold provincial elections on the same day as the KNA elections. The provincial elections in the KRG were held concurrent with the Iraq-wide parliamentary elections on April 30, 2014.

The KNA elections went forward on September 21, 2013, and further complicated the political landscape in the KRG. About 1,130 candidates registered to run for the 111 available seats, 11 of which are reserved for minority communities that live in the north, such as Yazidis, Shabaks, Assyrians, and others. The elections continued a trend of increasing Gorran political strength. Headed by Neshirvan Mustafa, Gorran won 24 seats, placing it second to the KDP's 38 (up from 30 in 2010). The PUK suffered a setback by coming in third with only 18 seats, down from 29 in the 2010 election. In part because of Gorran's increased representation, the Kurds' could not agree on a new government for the KRG region until June 2014. Nechirvan Barzani remained KRG prime minister. PUK leader Jalal Talabani's son, Qubad, who headed the KRG representative office in Washington, DC, until returning to the KRG in July 2012, became deputy prime minister of the KRG. Talabani's wife, Hero Ibrahim Ahmad Talabani, is also a major figure in PUK politics. In July 2014, another senior PUK figure, Fouad Masoum, was succeeded Talabani as President. A Gorran leader became deputy COR speaker.

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<sup>15</sup> Much of the dispute centers on differing interpretations of a 1976 Iraq-Turkey treaty, which was extended in 2010, and which defines "Iraq" (for purposes of oil issues) as the "Ministry of Oil of the Republic of Iraq." See "analysis: Iraq-Turkey Treaty Restricts Kurdistan Exports." Iraq Oil Report, April 18, 2014.

<sup>16</sup> Jane Arraf. "Iraq's Unity Tested by Rising Tensions Over Oil-Rich Kurdish Region." *Christian Science Monitor*, May 4, 2012.

## Tier Three Designations of the KDP and PUK

Since 2001, U.S. immigration officials have placed the KDP and PUK in a Tier Three category that makes it difficult for members of the parties to obtain visas to enter the United States. The categorization is a determination that the two parties are “groups of concern”—meaning some of their members have committed acts of political violence. The designation was based on the fact that the Kurdish parties, particularly their *peshmerga*, had used violence to try to overthrow the government of Saddam Hussein. The designation was made before the United States militarily overthrew Saddam in 2003, and has not been revoked.

The characterization seems to many in Congress and the Administration to be inconsistent with the close political relations between the United States and the KDP and PUK. KRG President Barzani has said he will not visit the United States until the designation is removed. Two bills, H.R. 4474 and S. 2255, would legislatively remove the PUK and KDP from Tier 3 categorization. A provision of the FY2015 National Defense Authorization Act (H.R. 4435) gives the Administration authority, without judicial review, to revoke the Tier 3 designation. On April 14, 2014, State Department spokeswoman Jen Psaki said the Administration supports legislation to end the Tier 3-related visa restrictions.

## Post-U.S. Withdrawal Political Unraveling

With the grievances discussed above unresolved, armed factions still able and willing to use violence, and U.S. forces not present to counter violence, the 2010 power-sharing arrangement unraveled. Throughout 2011, Maliki’s opponents became increasingly vocal in accusing him of concentrating power in his and his faction’s hands—in particular his appointment of allies as “acting” ministers of three key security ministries—Defense, Interior, and National Security (intelligence) while retaining those portfolios for himself.<sup>17</sup> Through his Office of the Commander-in-Chief, Maliki directly commands the 10,000 person Counter-Terrorism Service (CTS), of which about 4,100 are Iraqi Special Operations Forces (ISOF). These forces were tasked with countering militant groups, although Maliki’s critics assert that he has used them to intimidate his Sunni Iraqi and other political opponents.

On December 19, 2011, the day after the final U.S. withdrawal (December 18, 2011)—and one week after Maliki met with President Obama in Washington, DC, on December 12, 2011—the government announced an arrest warrant against Vice President Tariq al-Hashimi, a major Sunni Iraqiyya figure, for allegedly ordering his security staff to commit acts of assassination. Hashimi fled to the KRG region and refused to return to face trial in Baghdad unless his conditions for a fair trial there were met. A trial in absentia in Baghdad convicted him and sentenced him to death on September 9, 2012, for the alleged killing of two Iraqis. Hashimi remains in Turkey.

The arrest cast doubt on President Obama’s assertion, marking the U.S. withdrawal, that Iraq is now “sovereign, stable, and self-reliant.” U.S. officials intervened with various political factions and obtained Maliki’s agreement to release some Baathists prisoners and to give provinces more autonomy.<sup>18</sup> These concessions were included in a revised provincial powers law adopted by the

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<sup>17</sup> Sadun Dulaymi, a Sunni Arab, is acting Defense Minister; Falih al-Fayad, a Shiite, is acting Minister of State for National Security; and Adnan al-Asadi, another Shiite, is acting Interior Minister.

<sup>18</sup> Tim Arango. “Iraq’s Prime Minister Gains More Power After Political Crisis.” *New York Times*, February 28, 2012.

COR in June 2013, as discussed above. The concessions prompted Iraqiyya COR deputies and ministers to resume their duties in February 2012.

In March 2012, the factions tentatively agreed to hold a “national conference,” to be chaired by President Talabani, respected as an even-handed mediator, to try to reach a durable political solution. However, late that month KRG President Barzani accused Maliki of a “power grab” and the conference was not held. Maliki critics Allawi, COR speaker Osama Nujaifi, and Moqtada Al Sadr met in April 2012 in the KRG region and subsequently collected signatures from 176 COR deputies to request a no-confidence vote against Maliki’s government. Under Article 61 of the constitution, signatures of 20% of the 325 COR deputies (65 signatures) are needed to trigger a vote, but Talabani (who is required to present a valid request to the COR to hold the vote) stated on June 10, 2012, that there were an insufficient number of valid signatures remaining to proceed with that vote.<sup>19</sup> Maliki apparently convinced many Sadrist COR deputies to remove their signatures. Maliki also reinstated deputy Prime Minister Saleh al-Mutlaq as part of an effort to reach out to Sunni leaders.

### **Political Crisis Reopens Broader Sectarian Rift in 2013**

Political disputes flared again after the widely respected President Talabani suffered a stroke on December 18, 2012, and was flown out of Iraq for treatment. On December 20, 2012, Maliki moved against another perceived Sunni adversary, Finance Minister Rafi al-Issawi, by arresting 10 of his bodyguards. He resigned as Finance Minister and took refuge in Anbar Province with Sunni tribal leaders. The actions sparked anti-Maliki demonstrations in the Sunni cities in several provinces and in Sunni districts of Baghdad. Second Vice President Khudayr Khuzai has served as acting President since Talabani left Iraq.

As demonstrations continued, what had been primarily disputes among elites were transformed into substantial public unrest. The thrust of the Sunni complaints was based on perceived discrimination by the Shiite-dominated Maliki government. Some Sunni demonstrators were reacting not only to the moves against senior Sunni leaders, but also to the fact that the overwhelming majority of prisoners in Iraq’s jails are Sunnis, according to Human Rights Watch researchers. Sunni demonstrators demanded the release of prisoners, particularly women; a repeal of Article 4 anti-terrorism laws under which many Sunnis are incarcerated; reform or end to the de-Baathification laws that has been used against Sunnis; and improved government services.<sup>20</sup>

During January-March 2013, the use of small amounts of force against demonstrators caused the unrest to worsen. On January 25, 2013, the ISF killed nine protesters on a day when oppositionists killed two ISF police officers. Sunni demonstrators set up encampments in some cities. Some observers maintained that the protest movement was emboldened by the Sunni-led rebellion in neighboring Syria.

The Sunni unrest, coupled with the U.S. departure, provided “political space” for long-standing violent Sunni elements to revive. Violent Sunni elements—weakened but never totally eliminated by the United States during 2003-2011—reactivated to try to reinforce peaceful Sunni protesters; undermine confidence in the ISF; expel Shiite members of the ISF from Sunni areas; and reignite the sectarian war that prevailed during 2006-2008. All of these motivations, in the apparent view

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<sup>19</sup> “Embattled Iraqi PM Holding On To Power for Now.” Associated Press, June 12, 2012.

<sup>20</sup> Author conversations with Human Rights Watch researchers, March 2013.



of the militants, could have the effect of destabilizing Maliki and his Shiite-led rule. To try to accomplish these goals, Sunni militant groups attacked pilgrims to the various Shiite shrines and holy sites in Iraq; Shiite neighborhoods and businesses; ISF personnel; government installations; and some Sunnis who are cooperating with the government.

*April 2013 Hawijah Incident.* On April 23, 2013, three days after the first group of provinces voted in provincial elections, the ISF stormed a Sunni protest camp in the town of Hawijah and killed about 40 civilians. In the following days, many Sunni demonstrators and tribal leaders took up arms. Gunmen took over government buildings in the town of Suleiman Pak for a few days. At the political level, Iraqiyya pulled out of the COR entirely, and three Sunni ministers resigned.

U.S. officials reportedly pressed Maliki not to use the military to suppress Sunni protests, arguing that such a strategy had led to all-out civil war in neighboring Syria, but rather to work with Sunni tribal leaders to appeal for calm. Maliki undertook some conciliatory gestures. In June 2013 the COR amended the 2008 provincial powers law (No. 21, see above) to give the provinces substantially more authority relative to the central government, including some control over security forces (Article 31-10). The revisions also specify a share of revenue to be given to the provinces and mandate that within two years, control of the province-based operations of central government ministries be transferred to the provincial governments.<sup>21</sup> In July 2013, the cabinet approved a package of reforms easing the de-Baathification laws to allow many former Baathists to hold government positions—a key demand of the Sunni protesters. During his visit to Washington, DC, during October 2013, Maliki denied he sought to marginalize Sunni leaders and asserted that all his actions were taken under his authority in the Iraqi constitution.<sup>22</sup>

Still, Sunni attacks on government forces and Shiite gathering places escalated, many of which were carried out by ISIL. Shiite armed groups began to reactivate to retaliate for the Sunni-led attacks. The ISF, which is largely Shiite and perceived by Sunnis as aligned with the Shiite community, put significant security measures into effect in Baghdad, mainly targeting Sunnis.

According to the U.N. Assistance Mission-Iraq (UNAMI), about 9,000 Iraqis were killed in 2013, of whom all but about 1,000 were civilians, and the remainder were members of the ISF. This was more than double the death toll for all of 2010, and the highest total since the height of sectarian conflict in 2006-2007, although still about 60% below those levels.

*April 2013 Provincial Elections Occur Amid the Tensions.* The escalating violence did not derail the April 2013 provincial elections. The mandate of the nine-member IHEC, which runs the election, expired at the end of April 2012, and the COR confirmed a new panel in September 2012. On October 30, 2012, the IHEC set an April 20, 2013, election date. The COR's law to govern the election for the 447 provincial council seats (including those in Anbar and Nineveh that voted on June 20, 2013) passed in December 2012, providing for an open list vote. A total of 50 coalitions registered, including 261 political entities as part of those coalitions or running separately. About 8,150 individual candidates registered, of which 200 were later barred by the JAC for alleged Baathist ties. The government postponed the elections in two Sunni provinces, Anbar and Nineveh, until June 20, 2013.

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<sup>21</sup> Reidar Vissar. "Provincial Powers Revisions, Elections Results for Anbar and Nineveh: Is Iraq Headed for Complete Disintegration?" June 27, 2013.

<sup>22</sup> Prime Minister Maliki address at the U.S. Institute of Peace. Attended by the author, October 31, 2013.

With the April 20, 2013, vote being held mostly in Shiite areas, the election was largely a test of Maliki's popularity. Maliki's State of Law coalition remained relatively intact, consisting mostly of Shiite parties, including Fadilah (virtue) and the ISCI-offshoot the Badr Organization. ISCI registered its own Citizen Coalition, and Sadr registered a separate Coalition of Liberals. Among the mostly Sunni groupings, Allawi's Iraqiyya and 18 smaller entities ran as the Iraqi National United Coalition. A separate United Coalition consisted of supporters of the Nujafis (COR speaker and Nineveh governor), Vice President Tariq al-Hashimi, and Rafi al-Issawi. A third Sunni coalition was loyal to Saleh al-Mutlaq. The two main Kurdish parties ran under the Co-Existence and Fraternity Alliance.

Turnout on April 20, 2013, was estimated at about 50% of registered voters. Election day violence was minimal. According to results finalized on May 19, 2013, Maliki's State of Law won a total of about 112 seats—about 22%, down from the 29% it won in 2009, but a plurality in 7 of the 12 provinces that voted. The loss of some of its seats cost Maliki's list control of the key provincial councils of Baghdad and Basra. ISCI's Citizen Coalition won back some of the losses it suffered in the 2009 elections, winning about 75 seats. Sadr's slate won 59 seats, including a plurality in Maysan Province.

The June 20, 2013, election in Anbar and Nineveh was primarily a contest among the Sunni blocs. In Anbar, the Nujafi bloc won a slight plurality, but in Nineveh, where the Nujafis previously held an outright majority of provincial council seats (19 or 37), Kurds won 11 out of the province's 39 seats. The Nujafi grouping came in second with 8 seats, but Atheel Nujafi was selected to another term as governor. The results suggested to some experts that many Sunnis want to avoid a return to sectarian conflict.<sup>23</sup>

## **Insurrection in Anbar Province as 2013 Ends**

Unrest in Sunni areas escalated sharply at the end of 2013. A major insurrection was triggered on December 26, 2013, when Maliki sought the arrest of Sunni parliamentarian Ahmad al-Alwani on charges of inciting anti-government activity. The arrest attempt, which followed an ISIL attack that killed 17 ISF officers, prompted a gun battle with security forces that killed Alwani's brother and several of his bodyguards. Maliki subsequently ordered security forces to close down a protest tent camp in Ramadi (capital of Anbar Province), prompting ISIL to try to take over Ramadi and Fallujah, as well as some smaller Anbar cities. Both Ramadi and Fallujah were major objectives of U.S. counterinsurgency efforts during the Iraq war. ISIL fighters were joined by some Sunni protesters, defectors from the ISF, and some Sons of Iraq and other tribal fighters. However, most Sons of Iraq fighters appear to have obeyed the urgings of many tribal leaders' urgings to back the government and help suppress the ISIL-led insurrection.

Partly at the urging of U.S. officials, Maliki opted not to order an ISF assault but to instead provide weapons and funding to loyal Sunni tribal leaders and Sons of Iraq fighters to help them expel the ISIL fighters themselves. By early January 2014, the government had regained most of Ramadi, but Fallujah remained in insurgent hands. In early April 2014, ISIL-led insurgents also established a presence in Abu Ghraib, which is only 10 miles from Baghdad. Iraq closed the prison because of the security threat and transferred the prisoners to other prisons around Iraq. In mid-April 2014, the government urged Fallujah citizens to leave the city in advance of

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<sup>23</sup> Kirk Sowell. "Sunni Voters and Iraq's Provincial Elections." July 12, 2013.

government air and artillery strikes on insurgent positions, although the strikes have not dislodged the rebels from that city to date. Some ISF officers have told journalists the ISF effort to recapture Fallujah and other opposition-controlled areas suffered from disorganization and ineffectiveness.<sup>24</sup> Insurgents continued to attack Shiite civilian and ISF and government targets in Baghdad and other several other cities.

## **June 2014 ISIL-Led Offensive and ISF Collapse**

By the time of the April 30, 2014, national elections, many observers assessed that the insurrection was contained, although not rolled back significantly. All assessments were upended on June 10, 2014, when ISIL—apparently assisted by large numbers of its fighters moving into Iraq from the Syria theater—captured the large city of Mosul amid mass surrenders and desertions by the ISF. ISIL reportedly was supported by Sunni residents of Mosul and subsequently advanced into Tikrit and other cities on the way to Baghdad, as well as east into Diyala Province. In the course of the offensive, ISIL and allied fighters looted banks, freed prisoners, and captured much U.S.-supplied military equipment such as Humvees and even tanks and armored personnel carriers. Subsequently, ISIL and its allies attempted to encircle Baghdad from the north, west, and from Sunni-dominated villages to the south (Mahmudiyah and Latifyah). From positions around Abu Ghraib, ISIL-led forces moved to within striking distance of Baghdad International Airport, which is southwest of the city. ISIL and its partners also reportedly have sought to expand previous gains in Anbar Province as well, capturing the city of Haditha and encroaching on the large Haditha Dam.

By the end of June, Shiite militias had mobilized in large numbers to assist the ISF, and the remaining ISF had regrouped sufficiently to lessen the direct threat to Baghdad itself. The defense was aided by U.S. advisers (discussed below), as well as by Iran's sending of military equipment as well as Islamic Revolutionary Guard-Qods Force (IRGC-QF) units into Iraq. At the end of June, the ISF attempted to try to recapture Tikrit, with limited success, but it did apparently prevent ISIL-led forces from capturing the Baiji refinery, which produces about one-third of Iraq's gasoline supplies. The government has used in its counterattacks air strikes on ISIL positions—although using a small fleet of propeller driven aircraft—and it took delivery of a shipment from Russia of Sukhoi combat aircraft.

## ***August 2014 Humanitarian Crisis as ISIL Attacks Kurdish-Controlled Areas***

The benefits the KRG accrued in the Iraq crisis were threatened in early August 2014 when ISIL-led forces advanced into territory controlled by the *peshmerga*. The relatively lightly-armed Kurdish forces were overrun or fled numerous towns inhabited mostly by Christians and other Iraqi minorities, particularly the Yazidis. These towns included Sinjar, Zumar, Wana, and Qaraqosh, and IS-led forces advanced to the country's largest dam, the Mosul Dam, as well. Fearing IS threats to execute them if they did not convert to Islam, about 35,000–50,000 Yazidis fled to Sinjar Mountain, where they found themselves trapped by IS-led forces below. The Yazidis are mostly Kurdish speaking and practice a mix of ancient religions, including Zoroastrianism, which held sway in Iran before the advent of Islam.<sup>25</sup> By August 8, IS-led fighters had advanced

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<sup>24</sup> Loveday Morris. "Iraqi Army Struggles in Battles Against Islamist Fighters in Anbar Province." *Washington Post*, February 27, 2014.

<sup>25</sup> Ishaan Tharoor. "Who Are the Yazidis?" *Washington Post*, August 7, 2014.



to within about 30 miles of the KRG capital of Irbil, causing substantial panic among Iraq's Kurds who had long thought the KRG region fully secure, and causing U.S. concern about the security of U.S. diplomatic and military personnel there. The threat to the KRG and the humanitarian crisis prompted U.S. military action, as discussed below.

## **2014 Government Formation Process**

U.S. officials considered the outcome of the April 30, 2014, national elections as crucial to blunting the ISIL-led insurrection. An election law to regulate the election was passed on November 4, 2013. The election law expanded the number of seats of the new COR to 328, an increase of 3 (all from the KRG region). A total of 39 coalitions, comprising 275 political entities (parties), registered. The elections also included voting for 89 total seats on the provincial councils in the three KRG provinces. The campaign period nationwide began on April 1.

At the time of the election, Maliki appeared positioned to secure a third term as Prime Minister because his State of Law bloc had remained relatively whereas rival blocs had fractured. The Islamic Supreme Council of Iraq (ISCI) and the faction of Shiite cleric Moqtada Al Sadr each ran separate slates in the 2014 election. These two slates entered the election opposing a third term as prime minister for Maliki. The Sunni political blocs had fractured substantially. The mostly Sunni bloc, Iraqiyya, won more seats than did State of Law in 2010, but it had fragmented into components led by various Sunni and other leaders for the 2014 election. The major Kurdish factions similarly competed separately in most provinces where they filed slates. And, a Kurdish party called Gorran represented more of a challenge to the two main Kurdish parties (Kurdistan Democratic Party, KDP, and Patriotic Union of Kurdistan, KDP) than it had been previously.

Turnout on election day was about 62%, about the same level as in the 2010 COR elections. Violence was unexpectedly minimal on election day.

On June 17, 2014, the Independent Higher Election Commission (IHEC) announced certified election results. Maliki's State of Law obtained an unexpectedly high total of 92 seats—3 more than it won in 2010 and far more than those won by the ISCI slate (29) or the Sadrist slate (32). Major Sunni slates won a combined 53 seats—far fewer than the 91 seats they won when they competed together in the Iraqiyya bloc of former prime minister Iyad al-Allawi in the 2010 election.<sup>26</sup> The various Kurdish slates collectively won about 62 seats. Maliki's individual candidate vote reportedly was exceptionally strong, most notably in Baghdad Province, which sends 69 deputies to the COR—results that had appeared to put Maliki in a commanding position to win a third term as prime minister.

## **Deliberations on the New Government**

Maliki's route to a third term was upended by the June 2014 ISIL-led offensive. U.S. and many Iraqi officials largely blamed the offensive's success on Maliki's efforts to marginalize Sunni leaders and citizens. Grand Ayatollah Ali al-Sistani appeared to undermine Maliki by calling for quick agreement on an inclusive government that "avoids mistakes of the past." In a late June visit to Iraq, Secretary of State John Kerry reportedly obtained Iraqi concurrence to complete the government formation process by August 1.

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<sup>26</sup> "Iraq: PM's Group Is Biggest Election Winner." Associated Press, May 19, 2014.

The COR held several inconclusive sessions in early July because of a lack of consensus on the three most senior posts: COR Speaker (by tradition held by a Sunni Arab); the President (by tradition a Kurd); and the Prime Minister (by tradition a Shiite Arab). Most Iraqi figures who commented publicly indicated that there needs to be consensus on all three posts before any is put in position. However, the factions ultimately agreed to start filling some key positions before reaching consensus on a Prime Minister, amid Maliki's insistence he had earned a third term based on his strong election showing. The process unfolded as follows:

- On July 15, the COR named a leadership team. Salim al-Jabburi, a moderate Sunni Islamist (IIP) was named speaker. The two deputy speakers selected were Aram al-Sheikh Mohammad of the Kurdish Gorran party and Haydar al-Abbadi of Maliki's Shiite Da'wa Party. Jabburi is about 43 years old and worked as a law professor at the University of Mesopotamia.
- On July 24, the COR selected a senior PUK leader, Fouad Masoum, as Iraq's President. No deputy presidential slots were selected. Masoum is about 76 years old and helped draft Iraq's constitution. He was a close cohort of Jalal Talabani in forming the PUK in 1975.
- On August 11—just outside the two week deadline for doing so—Masoum tapped deputy COR speaker Abbadi as leader of the “largest bloc” in the COR as Prime Minister- designate. Under the constitution, Abbadi has 30 days from that point (until September 10) to achieve COR confirmation of a government, but the positive reaction of most political blocs to his naming suggests he will succeed. Abbadi's designation came after several senior figures in the State of Law bloc abandoned Maliki—apparently bowing to pressure from the United States, Iran, Iraq's Sunnis and Kurds, and others. Maliki called the designation “illegal” on the grounds that Maliki was the leader of the State of Law bloc, and Masoum was therefore required to tap him first as Prime Minister-designate. As his bloc fractured, Maliki filed legal action with Iraq's Supreme Court to invalidate the Abbadi designation and ordered troop deployments around Baghdad, suggesting he would not yield office peacefully. President Obama issued a statement welcoming the Abbadi designation and calling on him to form a new government quickly. Iran said the Abbadi designation was carried out legally and legitimately. Abbadi is about 62 years old and holds a doctorate in engineering from the University of Manchester. Abbadi comes from a traditional elite family, and no information has been published that indicates he was involved in any of the violent attacks carried out by the Da'wa Party in Iraq or Kuwait during the 1980s.<sup>27</sup>

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<sup>27</sup> Adam Taylor. “Meet Haider al-Abadi, the Man Named Iraq's New Prime Minister.” *Washingtonpost.com*, August 11, 2014.

**Table 2. Major Coalitions in April 30, 2014, COR Elections**

Coalition	Leaders and Components	Seats Won
State of Law (277)	Maliki and Da'wa Party; deputy P.M. Shahrastani; Badr Organization	92-95
Muwatin (Citizens Coalition) (273)	ISCI list. Includes former Interior Minister Bayan Jabr Solagh; Ahmad Chalabi; many Basra politicians	29
Al Ahrar (Liberals) (214)	Sadrists. Allied with ISCI in 2010 but separate in 2014.	32
Wataniya (Nationalists) (239)	Iyad al-Allawi (ran in Baghdad), Includes Allawi followers from former Iraqiyya bloc	21
Mutahiddun (United Ones) (259)	COR Speaker Nujaifi (ran in Nineveh). No candidates in Shiite-dominated provinces. Was part of Allawi Iraqiyya bloc in 2010.	23
Arabiyya (Arabs) (255)	deputy P.M. Saleh al-Mutlaq (ran in Baghdad) Also limited to mostly Sunni provinces. Was part of Iraqiyya bloc in 2010.	9
Kurdish parties	KDP, PUK, and Gorran ran separately in most constituencies.	62 (combined)
Fadilah (219)	Shiite faction, was allied with ISCI in 2010 election but ran separately in 2014.	Not available
Da'wa (Jaafari) (205)	Da'wa faction of former P.M. Ibrahim al-Jafari (who ran in Karbala). Was allied with ISCI in 2010.	Not available

**Source:** Reidar Vissar, "Iraq and Gulf Analysis."

## U.S. Response to Iraq's Political and Military Collapse

The major escalation of violence in Iraq since early 2014 has caused the Obama Administration to take a more active role in Iraq, including sending military advisers, conducting airstrikes against ISIL in northern Iraq, establishing a separate U.S. weapons supply channel to the KRG's *peshmerga* forces, and encouraging the formation of a new and more inclusive central government. President Obama has repeatedly ruled out the reintroduction to Iraq of U.S. ground combat forces.

During December 2013-June 2014, the United States took the following actions:

- *Delivered and sold additional weaponry.* As initial responses to the ISIL offensives in late 2013, the Defense Department sent 75 HELLFIRE missiles for use against ISIS camp. It sent another 500 HELLFIRES in January 2014, and 100 more in March 2014.<sup>28</sup> The missiles were delivered, but the supply became

<sup>28</sup> <http://www.defensenews.com/article/20140106/DEFREG02/301060019/US-Speeds-Up-Drone-Missile-Deliveries-Aid-Iraq>

- exhausted by late June 2014. The Administration also obtained the concurrence of Congress to release for sale and lease 30 Apache attack helicopters to Iraq. Some in Congress had earlier held up provision of the Apache helicopters because of stated concerns that the Iraqi government would use them against nonviolent opponents.<sup>29</sup> The Administration had earlier agreed to sell 36 F-16 combat aircraft, as discussed later in this report, and there was no pledge by the Administration to accelerate the delivery of the aircraft in the context of the crisis. To replace some of the equipment lost to the ISIL offensive in Anbar, on May 13, 2014, DSCA notified Congress of potential sales to Iraq of up to 200 Humvee armored vehicles, up to 24 propeller-driven AT-6C Texan II military aircraft, and related equipment with a total estimated value of about \$1 billion.<sup>30</sup>
- *Sales of Drones.* The United States has sold Iraq several unmanned aerial vehicles that perform surveillance, for example of ISIL camps in western Anbar Province. In early 2014, the United States provided 10 Scaneagle aerial vehicles.<sup>31</sup>
  - *Additional Training.* The Department of Defense increased bilateral and regional training opportunities for Iraqi counterterrorism (CTS) units to help burnish ISF counter-insurgency skills. U.S. officials said in early May 2014 that some U.S. Special Operations Forces would train Iraqi CT forces in Jordan beginning in early June 2014,<sup>32</sup> and two sessions were completed in Jordan before the June 2014 ISIL-led offensive.
  - *Efforts at Political Accommodation.* During the first half of 2014, U.S. officials were in regular contact with Maliki and his Sunni and Kurdish political opponents to encourage dialogue and accommodation at the political level. U.S. officials asserted to Iraqi leaders that ending the insurrection in Anbar depended on addressing Sunni grievances to reduce Sunni support for ISIL.

Since the Iraq crisis escalated in June 2014, the U.S. response has broadened, with the stated objectives of (1) defending Baghdad and Irbil as well as the Iraqi central government; (2) preventing a return to sectarian war between Sunnis and Shiites; (3) preventing Iraq from becoming a base for ISIL terrorist attacks on the United States or elsewhere; (4) preventing a humanitarian catastrophe in northern Iraq; and (5) protecting American personnel and facilities. The ISF collapse also appeared to threaten the legacy of the U.S. intervention in Iraq. With ISIL fighters on both sides of the Iraq-Syria border linked up, many experts asserted that U.S. policy needed to address the ISIL threat in Syria and Iraq simultaneously.

In several statements since June 13, President Obama has announced actions to assist the Iraqi government and the KRG.<sup>33</sup> Administration officials say that additional assistance beyond that undertaken below is contingent on the formation of an inclusive Iraqi government, the process of

<sup>29</sup> Josh Rogin. "Congress to Iraq's Maliki: No Arms for a Civil War." Daily Beast, January 8, 2014.

<sup>30</sup> DSCA notifications to Congress: Transmittal Nos. 13-79; 14-04; and 14-03. May 13, 2014.

<sup>31</sup> "US Speeds Up Drone Missile Deliveries to Aid Iraq." Defense News, January 6, 2014. <http://www.defensenews.com/article/20140106/DEFREG02/301060019/US-Speeds-Up-Drone-Missile-Deliveries-Aid-Iraq>.

<sup>32</sup> Missy Ryan. "U.S. Renews Training of Elite Forces in Jordan." Reuters, May 7, 2014.

<sup>33</sup> Obama Weighs Options for Intervention in Iraq. American Forces Press Service, June 13, 2014.

which has advanced significantly, as discussed above. U.S. officials have made clear that U.S. policy is not to align with one sect or another in Iraq.

U.S. actions since June 2014 include the following:

- *Advice and Training.* On June 19, President Obama announced that he had ordered up to 300 U.S. Special Operations Forces to serve as advisers to assess the ISF and gather intelligence on ISIL strength. An additional 475 forces were sent to help secure the U.S. Embassy and other U.S. facilities in Baghdad and Irbil, as well as to protect evacuation routes such as the international airport in Baghdad, and to operate surveillance aircraft. As of early August, almost all of the military personnel authorized had arrived and the advisers had formed Joint Operations Centers in Baghdad (U.S.-ISF) and Irbil U.S.-*peshmerga*. The advisers have submitted their first assessment of the ISF to U.S. Defense Department officials, which reportedly concluded that only about half of all ISF units are sufficiently capable for U.S. advisers to help them regain captured territory, were the President to decide on such an expanded mission.<sup>34</sup> The advisers are immune from Iraqi law under a temporary status of forces agreement with Iraq. Cable News Network (CNN) reported on August 12, 2014, that the Administration is considering sending an additional 75 advisers to help the KRG's *peshmerga* forces cope with the humanitarian crisis created by ISIL's August advance in the north.<sup>35</sup>
- *Intelligence sharing.* U.S. unmanned and manned surveillance flights (about 50 flights per day) have been conducted over Iraq since June 2014. The flights are intended primarily to monitor ISIL movements and identify ISIL targets.
- *Air Operations.* On August 7, President Obama authorized airstrikes and airdrops to halt the ISIL advance toward Irbil and alleviate the humanitarian crisis in and around Sinjar Mountain. On August 11, 2014, the director of operations of the Joint Chiefs of Staff Lt. Gen. William Mayville said the strikes had, to that time, blunted ISIL's advance toward Irbil but had not weakened ISIL-led forces overall to any major degree.<sup>36</sup> President Obama stated on August 9, 2014, that he would not set a timetable for how long the strikes might continue. The air operations are carried out from U.S. aircraft carriers in the Gulf, one of which was sent in after the ISIL capture of Mosul in June.
- *Weapons Sales.* The United States reportedly sent an additional 75 HELLFIREs, beyond those discussed above, just after the ISIL capture of Mosul. On July 29, the Administration said it would send 5,000 more of them. As of mid-August, the F-16s and Apaches previously purchased are in the early stages of the delivery process, but deliveries reportedly might be slowed by the ISIL threat to the key airbase at Balad. After the ISIL move toward Irbil, in response to urgent appeals from KRG leaders, the Administration reportedly began, as an interim measure, supplying mostly lighter weaponry and ammunition directly to the *peshmerga*, through the Central Intelligence Agency. That channel is a means of adapting to a

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<sup>34</sup> Eric Schmitt and Michael Gordon. "U.S. Sees Risks in Assisting a Compromised Iraqi Force." *op. cit.*

<sup>35</sup> Report by Barbara Starr. CNN, August 12, 2014.

<sup>36</sup> Helene Cooper and Alissa Rubin. "Pentagon Says Airstrikes Have Slowed but Not Stopped Sunni Militants." *New York Times*, August 12, 2014.

general policy that requires all U.S. Foreign Military Sales (FMS, run by the Defense Department) be provided to a country's central government. U.S. military officials have acknowledged the validity of KRG requests for heavy and long-range weapons to be able to counter ISIL's use of captured U.S. weapons, but it is not clear what institutional mechanisms will be used or what systems will be eventually provided to the Kurds.<sup>37</sup>

- *Direct U.S. combat deployment.* President Obama has repeatedly ruled out this option. The exclusion of this option is in part a product of the apparent view within the Administration that U.S. troops will not fix the underlying political problems that caused the insurrection.

## Governance, Economic Resources, and Human Rights Issues

The continuing political crises discussed above have dashed most hopes that Iraq will become a fully functioning democracy with well-established institutions and rule of law. On the other hand, some experts assert that the success of Iraq's energy sector is mitigating these adverse factors to some extent.

### Energy Sector and Economic Development

Adopting national oil laws has been considered key to developing and establishing rule of law and transparency in a key sector. Substantial progress appeared near in August 2011 when both the COR and the cabinet drafted the oil laws long in the works to rationalize the energy sector and clarify the rules for foreign investors. However, there were differences in their individual versions: the version drafted by the Oil and Natural Resources Committee was presented to the full COR on August 17, 2011. The cabinet adopted its separate version on August 28, 2011—a version that the KRG opposed as favoring too much “centralization” (i.e., Baghdad control) in the energy sector. A 2012 KRG-Baghdad agreement on KRG oil exports included a provision to set up a six-member committee to review the different versions of the oil laws under consideration and decide which version to submit to the COR for formal consideration. However, even before the 2014 crisis, there was little evidence of movement on this issue.

The deadlock on oil laws has not, however, prevented growth in the crucial energy sector, which provides 90% of Iraq's budget. Iraq possesses a proven 143 billion barrels of oil. After long remaining below the levels achieved prior to the ouster of Saddam Hussein, Iraq's oil exports recovered to Saddam-era levels of about 2.1 million barrels per day by March 2012. Production reached the milestone 3 million barrels per day mark in February 2012, which Iraqi leaders trumpeted as a key milestone in Iraq's recovery, and expanded further to about 3.6 million barrels per day as of mid-2014. The growth in Iraq's exports has contributed to keeping the global oil market well supplied as the oil customers of neighboring Iran have cut back Iranian oil purchases in cooperation with U.S. sanctions on Iran. However, disputes in 2014 have reduced exports from the northern route, which accounts for 25% of Iraq's exports. Iraqi oil production in and exports from the south of the country, which constitute about 75% of Iraq's totals, have not been affected.

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<sup>37</sup> Craig Whitlock and Greg Jaffe. “U.S. Directly Arms Kurdish Forces.” *Washington Post*, August 12, 2014; and *ibid*.



Iraqi leaders say they want to increase production to over 10 million barrels per day by 2017. The International Energy Agency estimates more modest but still significant gains: it sees Iraq reaching 6 mbd of production by 2020 if it attracts \$25 billion in investment per year, and potentially 8 mbd by 2035.

What is helping the Iraqi production is the involvement of foreign firms, including BP, Exxon-Mobil, Occidental, and Chinese firms. China now buys about half of Iraq's oil exports. Chinese firms such as China National Petroleum Corp. (CNPC) are major investors in several Iraqi fields. U.S. firms assisted Iraq's export capacity by developing single-point mooring oil loading terminals to compensate for deterioration in Iraq's existing oil export infrastructure in Basra and Umm Qasr. Press reports in November 2013 said that Royal Dutch Shell and the Iraqi government were close to an \$11 billion deal for the firm to build a petrochemical production facility in southern Iraq. This would follow a \$17 billion 2012 deal between the company and Iraq to produce natural gas that was previously flared in Iraq's southern oil fields.

### **Oil Resources Fuel Economic Growth**

The growth of oil exports appears to be fueling a rapid expansion of the economy. Iraqi officials estimated that growth was about 9% for 2013. Press reports have noted the development of several upscale malls and other consequences of positive economic progress. The more stable areas of Iraq, such as the Shiite south, are said to be experiencing an economic boom as they accommodate increasing numbers of Shiite pilgrims to Najaf and Karbala. Iraqi officials said in mid-February 2013 that the country now has about \$105 billion in foreign exchange reserves. GDP reached about \$150 billion by the end of 2013. On September 18, 2013, Iraq launched a \$357 billion five-year National Development Plan, with projects across many different sectors. Iraq is implementing a \$150 billion budget for 2014.

### **General Human Rights Issues**

The State Department human rights report for 2013, released February 27, 2014, largely repeated the previous years' criticisms of Iraq's human rights record. The report for 2013 states that a "culture of impunity" largely protected members of the security services and others in government from accountability or punishment for abuses.<sup>38</sup> The State Department report cited a wide range of human rights problems committed by Iraqi government security and law enforcement personnel—as well as by KRG security institutions—including unlawful killings; torture and other cruel punishments; poor conditions in prison facilities; denial of fair public trials; arbitrary arrest; arbitrary interference with privacy and home; limits on freedoms of speech, assembly, and association due to sectarianism and extremist threats; lack of protection of stateless persons; wide scale governmental corruption; human trafficking; and limited exercise of labor rights. Many of these same abuses and deficiencies are alleged in reports by outside groups such as Human Rights Watch.

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<sup>38</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220355#wrapper>.

## **Trafficking in Persons**

The State Department's Trafficking in Persons report for 2013, released on June 19, 2013, places Iraq in Tier 2. That was an upgrade from the Tier 2 Watch List rating for Iraq for four previous years. The upgrade was a product of the U.S. assessment that Iraq is making "significant efforts" to comply with the minimum standards for the elimination of trafficking. Previously, Iraq received a waiver from automatic downgrading to Tier 3 (which happens if a country is "watchlisted" for three straight years) because it had developed a plan to make significant efforts to meet minimum standards for the elimination of trafficking and was devoting significant resources to that plan. On April 30, 2012, the COR enacted a law to facilitate elimination of trafficking in persons, both sexual and labor-related.

## **Media and Free Expression**

While State Department and other reports attribute most of Iraq's human rights difficulties to the security situation and factional infighting, apparent curbs on free expression appear independent of such factors. One issue that troubles human rights activists is a law, passed by the COR in August 2011, called the Journalist Rights Law.<sup>39</sup> The law purported to protect journalists but left many of the provisions of Saddam-era libel and defamation laws in place, such as imprisonment for publicly insulting the government. The State Department human rights reports have noted continuing instances of harassment and intimidation of journalists who write about corruption and the lack of government services. Much of the private media that operate is controlled by individual factions or powerful personalities. There are no overt government restrictions on access to the Internet. In June 2012, the government ordered the closing of 44 new organizations that it said were operating without licenses. Included in the closure list were the BBC, Voice of America, and the U.S.-funded Radio Sawa.

In early 2013, the COR adopted an Information Crimes Law to regulate the use of information networks, computers, and other electronic devices and systems. Human Rights Watch and other human rights groups criticized that law as "violat[ing] international standards protecting due process, freedom of speech, and freedom of association,"<sup>39</sup> and the COR revoked it February 2013.

## **Corruption**

The State Department human rights report for 2013, released February 27, 2014, repeats previous years' reports that political interference and other factors such as tribal and family relationships regularly thwart the efforts of anti-corruption institutions, such as the Commission on Integrity (COI). The 2013 report says that corruption among officials across government agencies was widespread. A Joint Anti-Corruption Council, which reports to the cabinet, is tasked with implementing the government's 2010-2014 Anti-Corruption Strategy. Another body is the Supreme Board of Audits, which monitors the use of government funds. The COR has its own Integrity Committee that oversees the executive branch and the governmental anti-corruption bodies. The KRG has its own separate anti-corruption institutions, including an Office of Governance and Integrity in the KRG council of ministers.

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<sup>39</sup> Human Rights Watch. "Iraq's Information Crimes Law: Badly Written Provisions and Draconian Punishments Violate due Process and Free Speech." July 12, 2012.



## Labor Rights

A 1987 (Saddam era) labor code remains in effect, restricting many labor rights, particularly in the public sector. Although the 2005 constitution provides for the right to strike and form unions, the labor code virtually rules out independent union activity. Unions have no legal power to negotiate with employers or protect workers' rights through collective bargaining.

## Religious Freedom/Situation of Religious Minorities

The Iraqi constitution provides for religious freedom and the government generally respected religious freedom, according to the State Department's report on International Religious Freedom for 2013, released July 28, 2014.<sup>40</sup> However, reflecting the conservative Islamic attitudes of many Iraqis, Shiite and Sunni clerics seek to enforce aspects of Islamic law and customs, sometimes coming into conflict with Iraq's generally secular traditions as well as constitutional protections. In February 2014, the cabinet adopted a Shiite "personal status law" that would permit underage marriages—reportedly an attempt by Maliki to shore up electoral support among Shiite Islamists.

A major concern is the safety and security of Iraq's Christian and other religious minority populations which are concentrated in northern Iraq as well as in Baghdad. These other groups include most notably the Yazidis, which number about 500,000-700,000; the Shabaks, which number about 200,000-500,000; the Sabeans, who number about 4,000; the Baha'i's that number about 2,000; and the Kakai's of Kirkuk, which number about 24,000. Conditions for these communities have deteriorated sharply since the ISIL-led offensives that began in June 2014. The impact of the ISIL-led offensive near Irbil on the Yazidi community in northern Iraq was discussed above.

*Christians.* Even before the 2014 ISIL-led offensives, recent estimates indicate that the Christian population of Iraq has been reduced to 400,000-850,000, from an estimated 1 million-1.5 million during Saddam's time. About 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. On October 31, 2010, a major attack on Christians occurred when a church in Baghdad (Sayidat al-Najat Church) was besieged by militants and as many as 60 worshippers were killed. Partly as a result, Christian celebrations of Christmas 2010 were said to be subdued—following three years in which Christians had felt confident enough to celebrate that holiday openly. Several other attacks appearing to target Iraqi Christians have taken place since. After the ISIL capture of Mosul in June 2014, the city's remaining Christians were expelled and some of their churches and other symbolic locations destroyed.

Prior to the ISIL capture of Nineveh, Iraqi Assyrian Christian groups advocated a Nineveh Plains Province Solution, in which the Nineveh Plains would be turned into a self-administering region, possibly its own province. Supporters of the idea claim such a zone would pose no threat to the integrity of Iraq, but others say the plan's inclusion of a separate Christian security force could set the scene for violence and confrontation. The Iraqi government adopted a form of the plan in its January 2014 announcement that the cabinet had decided to convert the Nineveh Plains into a new province. However, the ISIL takeover of the north has probably mooted this concept in that the central government no longer controls Nineveh Province and ISIL has expelled most

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<sup>40</sup> <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dlid=222291#wrapper>.

Christians from it. One prominent Iraqi human rights NGO, the Hammurabi Organization, is largely run by Iraqi Assyrians.

Even at the height of the U.S. military presence in Iraq, U.S. forces did not specifically protect Christian sites at all times, partly because Christian leaders do not want to appear closely allied with the United States. The State Department religious freedom report for 2011 said that during 2011, U.S. Embassy Baghdad designated a “special coordinator” to oversee U.S. funding, program implementation, and advocacy to address minority concerns.

*Funding Issues.* Appropriations for FY2008 and FY2009 each earmarked \$10 million in ESF to assist the Nineveh Plain Christians. The Consolidated Appropriations Act of 2010 (P.L. 111-117) made a similar provision for FY2010, although focused on Middle East minorities generally and without a specific dollar figure mandated for Iraqi Christians. The State Department International Religious Freedom report for 2012 said that the United States has funded more than \$73 million for projects to support minority communities in Iraq.

## **Women’s Rights**

Iraq has a tradition of secularism and liberalism, and women’s rights issues have not been as large a concern for international observers and rights groups as they have in Afghanistan or the Persian Gulf states, for example. Women serve at many levels of government, as discussed above, and are well integrated into the work force in all types of jobs and professions. By tradition, many Iraqi women wear traditional coverings but many adopt Western dress. In October 2011, the COR passed legislation to lift Iraq’s reservation to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women.

## **Mass Graves**

As is noted in the State Department report on human rights for 2012, the Iraqi government continues to uncover mass graves of Iraqi victims of the Saddam regime. This effort is under the authority of the Human Rights Ministry. The largest to date was a mass grave in Mahawil, near Hilla, that contained 3,000 bodies; the grave was discovered in 2003, shortly after the fall of the regime. In July 2012, a mass grave was discovered near Najaf, containing the bodies of about 500 Iraqi Shiites killed during the 1991 uprising against Saddam Hussein. Excavations of mass graves in Wasit and Dhi Qar Provinces took place in April and May 2013, respectively.

## **Regional Relationships**

Iraq’s neighbors, as well as the United States, have significant interest in Iraq’s stability and its regional alignments. The ISIL offensives in 2014 have threatened Iraq’s territorial integrity. ISIL’s declaration of a caliphate could represent an intent to expand ISIL activities into neighboring Jordan or even Saudi Arabia. Iraq’s instability also likely interrupts its efforts to reintegrate into the Arab fold after more than 20 years of ostracism following Iraq’s invasion of Kuwait in August 1990. That reintegration took a large step forward with the holding of an Arab League summit in Baghdad during March 27-29, 2012, even though only nine heads of state out of the 22 Arab League members attended. And, only one of them was a Persian Gulf state leader (Amir Sabah al-Ahmad Al Sabah of Kuwait). On May 23-24, 2012, Iraq hosted nuclear talks between Iran and six negotiating powers.

Iraq has also begun to assist other Arab states. Utilizing its base of expertise in chemical weaponry during the Saddam Hussein regime, Iraq has provided some technical assistance to the post-Qadhafi authorities in Libya to help them clean up chemical weapons stockpiles built up by the Qadhafi regime. It donated \$100,000 and provided advisers to support elections in Tunisia after its 2011 revolution.<sup>41</sup>

## **Iran**

The United States has long sought to limit Iran's influence over Iraq, even though many assert that it was U.S. policy that indirectly brought to power Iraqi Shiites long linked to Iran. Iran's influence over the government is likely to increase as a result of Tehran's military assistance to the Iraqi government in countering the ISIL-led offensive. Iran has reportedly sent advisers from the Qods Force of the Islamic Revolutionary Guard Corps (IRGC-QF) to help organize the defense of Baghdad and ISF counterattacks, in part by reorganizing revived and expanded Iraqi Shiite militia forces. Iran has also reportedly begun flying drone surveillance flights over Iraq and providing military equipment including a reported five to seven Su-25 combat aircraft. The aircraft might have been from among 100+ combat aircraft that Iraq flew to Iran at the beginning of the 1991 war against the United States and which Iran integrated into its own air force.<sup>42</sup> (Iran had not previously returned the jets on the assertion that they were "reparations" for Saddam's invasion of Iran in 1980.)

On the other hand, the United States expresses less concern about Tehran's involvement in Iraq than it did prior to the ISIL-led offensive because Iran's assistance helps the U.S. objective of countering ISIL. Senior U.S. officials discussed Iraq's situation with Iranian officials on the sidelines of talks between the six negotiating powers and Iran in Vienna on June 16, 2014. No agreement to cooperate directly was announced, and U.S. officials said that there would be no linkage between any Iranian cooperation on Iraq and the substance of the nuclear negotiations. However, Iran at least indirectly cooperated with U.S. goals in using its influence to achieve a replacement of Maliki as Prime Minister-designate in August 2014.

Iran has also viewed Iraq, in part, as an avenue for reducing the effects of international sanctions. Some reports say Iraq is enabling Iran's efforts by allowing it to interact with Iraq's energy sector and its banking system. In July 2012, the Treasury Department imposed sanctions on the Elaf Islamic Bank of Iraq for allegedly conducting financial transactions with the Iranian banking system that violated the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA, P.L. 111-195). Those sanctions were lifted in May 2013 when Elaf reduced its involvement in Iran's financial sector. Iran's exports to Iraq reached about \$10 billion from March 2012 to March 2013, a large increase from the \$7 billion in exports in the prior year. However, in pursuing its own interests, Iraq is assisting U.S. policy toward Iran by supplying oil customers who, in cooperation with U.S. sanctions against Iran, are cutting back buys of oil from Iran.

The Iraqi government treatment of the population of Camp Ashraf and Camp Hurriya, camps in which over 3,500 Iranian oppositionists (People's Mojahedin Organization of Iran, PMOI) have resided, is another indicator of the government's close ties to Iran. The residents of the camps

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<sup>41</sup> Tim Arango. "Iraq Election Official's Arrest Casts Doubt on Prospects for Fair Voting." *New York Times*, April 17, 2012.

<sup>42</sup> Gareth Jennings. "Iraq Receives Additional Su-25 Jets, Purportedly from Iran." *Jane's Defence Weekly*, July 2, 2014.

accuse the Iraqi government of recent attacks on residents. This issue is discussed in substantial detail in CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, by Kenneth Katzman.

Another example of Iraq's alignment with Iran can be seen in its treatment of Shiite militants. In May 2012, Iraqi courts acquitted and Iraq released from prison a purported Hezbollah commander, Ali Musa Daqduq, although he subsequently remained under house arrest. He had been in U.S. custody for alleged activities against U.S. forces but, under the U.S.-Iraq Security Agreement (discussed below) he was transferred to Iraqi custody in December 2011. In July 2012, U.S. officials asked Iraqi leaders to review the Daqduq case or extradite him to the United States, but Iraq released him in November 2012 and he returned to Lebanon, despite U.S. efforts to persuade Iraq to keep him there.

Iran has periodically acted against other Iranian opposition groups based in Iraq. The Free Life Party (PJAK) consists of Iranian Kurds, and it is allied with the Kurdistan Workers' Party that opposes the government of Turkey. Iran has shelled purported camps of the group on several occasions. Iran is also reportedly attempting to pressure the bases and offices in Iraq of such Iranian Kurdish parties as the Kurdistan Democratic Party of Iran (KDP-I) and Komaleh.

Experts also note that any long term alliance between Iran and Iraq will suffer from lingering distrust of Iran from the 1980-1988 Iran-Iraq war, in which an estimated 300,000 Iraqi military personnel (Shiite and Sunni) died. And Iraq's Shiite clerics also resist Iranian interference and take pride in Najaf as a more prominent center of Shiite theology and history than is the Iranian holy city of Qom.

## Syria

One of the major disagreements between the United States and Iraq has been on the issue of Syria. U.S. policy is to achieve the ouster of President Bashar Al Assad. Maliki's government stresses official "neutrality" on Syria, but Iraqi officials assert that the armed rebellion in Syria has given ISIL a base of operations and has emboldened Iraqi Sunnis to escalate armed activities against the government. The United States supports moderate Syria rebels who are fighting the Assad regime as well as against ISIL forces in Syria.

Iraq refrained from sharp criticism of Assad for using military force against protests, and it abstained on an Arab League vote in November 2011 to suspend Syria's membership. (Yemen and Lebanon were the only two "no" votes.) Perhaps to ensure Arab participation at the March 2012 Arab League summit in Baghdad, Iraq voted for a January 22, 2012, Arab League plan for a transition of power in Syria. As an indication of Iraq's policy of simultaneously engaging with the United States on the Syria issue, Foreign Minister Hoshyar Zebari has attended U.S.-led meetings of countries that are seeking Assad's ouster. At the conclusion of Maliki's meeting with President Obama on November 1, 2013, Iraq expressed support for the "Geneva II" meeting scheduled for January 22, 2014, to try to arrange a political transition in Syria.

An issue that has divided Iraq and the United States since August 2012 has been Iraq's reported permission for Iranian arms supplies to overfly Iraq en route to Syria.<sup>43</sup> Iraq searched a few of these flights, particularly after specific high-level U.S. requests to do so, but routinely allowed the

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<sup>43</sup> Kristina Wong, "Iraq Resists U.S. Prod, Lets Iran Fly Arms to Syria." *Washington Times*, March 16, 2012.

aircraft to proceed after finding no arms aboard, sometimes because the Iranian aircraft had already dropped off their cargo in Syria. Instituting regular inspections of these flights was a major focus of the March 24, 2013, visit of Secretary of State Kerry to Baghdad, but the Iraqi leadership argued that Iraq lacks the air defense and aircraft to interdict the Iranian flights. The March 2013 Secretary Kerry visit reportedly resulted in an agreement for the United States to provide Iraq with information on the likely contents of the Iranian flights in an effort to prompt Iraqi reconsideration of its position. U.S. officials said in late 2013 that the overflights were diminishing in frequency, and this issue has been moved off the U.S.-Iraq agenda by the ISIL-led offensives in 2014.

The unrest in Syria has involved Iraqi factions. As noted above, ISIL operates on both sides of the border and members of the group assist each other across the border.<sup>44</sup> In March 2013, suspected ISIL members on the Iraq side of the border killed 48 Syrian military personnel, and their Iraqi military escorts; the Syrians had fled a battle on the border into Iraq and were ambushed while being transported south within Iraq pending repatriation to Syria. On December 11, 2012, the United States designated a Syrian jihadist rebel group, the Al Nusra Front, as a Foreign Terrorist Organization (FTO), asserting that it is an alias of ISIL. And, as noted above, Iraqi Shiite militiamen from groups discussed above went to Syria to fight on behalf of the Assad regime, although many have returned to Iraq to counter the ISIL offensive.

The KRG has assisted some Syrian Kurds against Assad by training Syrian Kurdish militia forces to secure an autonomous Kurdish area if Assad loses control. In August 2013, in response to fighting between the Syrian Kurds and Syrian Islamist rebel factions, Barzani threatened to deploy KRG *peshmerga* to help the Syrian Kurds. Some experts asserted that the threat could have been the trigger for a series of bombings in normally safe Irbil on September 29, 2013. Six Kurdish security forces who guarded the attacked official buildings were killed.

## Turkey

Turkey's policy toward Iraq has historically focused almost exclusively on the Iraqi Kurdish insistence on autonomy and possible push for independence—sentiments that Turkey apparently fears could embolden Kurdish oppositionists in Turkey. The anti-Turkey Kurdistan Workers' Party (PKK) has long maintained camps inside Iraq, along the border with Turkey. Turkey continues to conduct periodic bombardments and other military operations against the PKK encampments in Iraq. In October 2011, Turkey sent ground troops into northern Iraq to attack PKK bases following the killing of 24 Turkish soldiers by the PKK. However, suggesting that it has built a pragmatic relationship with the KRG, Turkey has emerged as the largest outside investor in northern Iraq and has built a close political relationship with the KRG. Turkey did not openly oppose the KRG's seizure of Kirkuk in June 2014, even though that capture bolsters the KRG's economic—and political—independence from Baghdad.

As Turkey's relations with the KRG have deepened, relations between Turkey and the Iraqi government have worsened, although the two countries have sought to limit damage to their relationship. Turkey's provision of refuge for Vice President Tariq al-Hashimi has been a source of tension; Maliki unsuccessfully sought his extradition for trial. On August 2, 2012, Turkish

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<sup>44</sup> Sahar Issa. "Iraq Violence Dips Amid Rise in Syria." *Philadelphia Inquirer*, February 21, 2012; State Department Country Reports on Terrorism: 2013. op. cit.



Foreign Minister Ahmet Davutoglu visited the disputed city of Kirkuk, prompting a rebuke from Iraq's Foreign Ministry that the visit constituted inappropriate interference in Iraqi affairs. In an effort to improve relations with Baghdad, Davutoglu visited Baghdad in mid-November 2013 and, aside from meeting Maliki and other Iraqi leaders, visited Najaf and Karbala—Iraqi cities holy to Shiites. That visit appeared intended to signal Turkish evenhandedness with regard to sectarian disputes in Iraq and to minimize any dispute with Baghdad over KRG oil exports through Turkey. During that visit, Maliki reportedly proposed to develop a “north-south” energy corridor through which Iraqi energy exports could flow to Europe via Turkey, but Davutoglu apparently did not commit to the proposal. Deputy Assistant Secretary of State Brett McGurk testified before the House Foreign Affairs Committee on November 13, 2013, that the United States supports that concept as well as another export pipeline that would carry Iraqi oil to Jordan's Red Sea outlet at Aqaba.

## **Gulf States**

Iraq has tried, with mixed success, to reduce tensions with several of the Sunni-led Persian Gulf states, some of whom have not fully accommodated themselves to the fact that Iraq is now dominated by Shiite factions. Relations have worsened over the past two years as the Maliki government marginalized Iraq's Sunni leaders. All of the Gulf states were represented at the March 27-29, 2012, Arab League summit in Baghdad but Amir Sabah of Kuwait was the only Gulf head of state to attend. Qatar sent a very low-level delegation, which it said openly was meant as a protest against the Iraqi government's treatment of Sunni Arab factions.

Saudi Arabia had been widely criticized by Iraqi leaders because it has not opened an embassy in Baghdad, a move Saudi Arabia pledged in 2008 and which the United States has long urged. This issue faded somewhat after February 2012, when Saudi Arabia announced that it had named its ambassador to Jordan, Fahd al-Zaid, to serve as a nonresident ambassador to Iraq concurrently—although still not opening an embassy in Baghdad. The other Gulf countries have opened embassies and all except the UAE have appointed full ambassadors to Iraq. On July 1, 2014, Saudi Arabia announced a donation of \$500 million to help the United Nations address the crisis caused by the ISIL-led offensive. Most of the Iraqis displaced by the crisis are Sunnis.

## **Kuwait**

The relationship with Kuwait has always been considered difficult to resolve because of the legacy of the 1990 Iraqi invasion. However, greater acceptance of the Iraqi government was demonstrated by the visit of Kuwait's then prime minister to Iraq on January 12, 2011. Maliki subsequently visited Kuwait on February 16, 2011, and, as noted above, the Amir of Kuwait attended the Arab League summit in Baghdad in March 2012. The Prime Minister of Kuwait visited in mid-June 2013, which led to an agreement to remove the outstanding issues of Kuwaiti persons and property missing from the Iraqi invasion from U.N. Security Council (Chapter VII) supervision to oversight by UNAMI under Chapter VI of the U.N. Charter. This transition was implemented by U.N. Security Council Resolution 2107 of June 27, 2013. The two countries have also resolved the outstanding issues of maintenance of border demarcation. In late October 2013, the Iraqi cabinet voted to allow Kuwait to open consulates in Basra and Irbil.

The resolution of these issues follows the U.N. Security Council passage on December 15, 2010, of Resolutions 1956, 1957, and 1958. These resolutions had the net effect of lifting most Saddam-era sanctions on Iraq, although the U.N.-run reparations payments process remains intact (and

deducts 5% from Iraq's total oil revenues). As of the end of December 2012, a U.N. Compensation Commission set up under Security Council Resolution 687 has paid \$38.8 billion to claimants from the 1990-1991 Iraqi occupation of Kuwait, with an outstanding balance of \$13.6 billion to be paid by April 2015. These issues are discussed in detail in CRS Report RS21513, *Kuwait: Security, Reform, and U.S. Policy*, by Kenneth Katzman.

## **U.S. Military Withdrawal and Post-2011 Policy**

A complete U.S. military withdrawal from Iraq by the end of 2011 was a stipulation of the November 2008 U.S.-Iraq Security Agreement (SA), which took effect on January 1, 2009. On February 27, 2009, President Obama announced that U.S. troop levels in Iraq would decline to 50,000 by September 2010, with the force shift from combat to training the Iraq Security Forces. An interim benchmark in the SA was the June 30, 2009, withdrawal of U.S. combat troops from Iraq's cities—that deadline was adhered to.

### **Question of Whether U.S. Forces Would Remain Beyond 2011**

The Security Agreement provided for all U.S. forces to leave Iraq by the end of 2011. With that deadline approaching, fears of expanded Iranian influence, and perceived deficiencies in Iraq's nearly 900,000 member security forces caused U.S. officials to seek to revise the SA to keep some U.S. troops in Iraq after 2011. Some U.S. experts feared the rifts among major ethnic and sectarian communities were still wide enough that Iraq could still become a "failed state" unless some U.S. troops remained. U.S. officials emphasized that the ongoing ISF weaknesses centered on lack of ability to defend Iraq's airspace and borders. Iraqi comments that it would be unable to execute full external defense until 2020-2024 reinforced those who asserted that a U.S. force presence was still needed.<sup>45</sup> Renegotiating the SA to allow for a continued U.S. troop presence required discussions with the Iraqi government and a ratification vote of the Iraqi COR.

Several high-level U.S. visits and statements urged the Iraqis to consider extending the U.S. troop presence. Maliki told visiting Speaker of the House John Boehner during an April 16, 2011, visit to Baghdad that Iraq would welcome U.S. training and arms after that time.<sup>46</sup> Subsequent to Boehner's visit, Maliki, anticipating that a vote of the COR would be needed for any extension, stated that a request for U.S. troops might be made if there were a "consensus" among political blocs (which he later defined as at least 70% concurrence).<sup>47</sup> This appeared to be an effort to isolate the Sadr faction, the most vocal opponent of a continuing U.S. presence. On August 3, 2011, major factions gave Maliki their backing to negotiate an SA extension. In September 2011, a figure of about 15,000 remaining U.S. troops, reflecting recommendations of the U.S. military, was being widely discussed.<sup>48</sup> The *New York Times* reported on September 7, 2011, that the Administration was considering proposing to Iraq to retain only about 3,000-4,000 forces, mostly in a training role.<sup>49</sup> Many experts criticized that figure as too low to carry out intended missions.

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<sup>45</sup> "Iraq General Says Forces Not Ready 'Until 2020.'" *Agence France Presse*, October 30, 2011.

<sup>46</sup> Prashant Rao. "Maliki Tells US' Boehner Iraqi Troops Are Ready." *Agence France Presse*, April 16, 2011.

<sup>47</sup> Aaron Davis. "Maliki Seeking Consensus on Troops." *Washington Post*, May 12, 2011.

<sup>48</sup> Author conversations with Iraq experts in Washington, DC, 2011.

<sup>49</sup> Eric Schmitt and Steven Lee Myers. "Plan Would Keep Military in Iraq Beyond Deadline." September 7, 2011.

## **Decision on Full Withdrawal**

The difficulty in the negotiations—partly a function of Sadrist opposition to a post-2011 U.S. presence—clarified on October 5, 2011, when Iraq issued a statement that Iraq would not extend the legal protections contained in the existing SA. That stipulation failed to meet the Defense Department requirements that U.S. soldiers not be subject to prosecution under Iraq’s constitution and its laws. On October 21, 2011, President Obama announced that the United States and Iraq had agreed that, in accordance with the November 2008 Security Agreement (SA), all U.S. troops would leave Iraq at the end of 2011. With the formal end of the U.S. combat mission on August 31, 2010, U.S. forces dropped to 47,000, and force levels dropped steadily from August to December 2011. The last U.S. troop contingent crossed into Kuwait on December 18, 2011.

The post-2011 Sunni unrest and violence have caused some to argue that the Administration should have pressed Iraqi leaders harder to allow a U.S. contingent to remain. The Administration maintains that it was the responsibility of the Iraqis—not U.S. troops—to resolve remaining political differences to build a sustainable democracy.

## **Post-2011 U.S.-Iraq Security Relationship**

After the withdrawal announcement, senior U.S. officials stated that the United States would be able to continue to help Iraq secure itself using programs commonly provided for other countries. Administration officials stressed that the U.S. political and residual security-related presence would be sufficient to ensure that Iraq remained stable, allied to the United States, continuing to move toward full democracy, and economically growing. At the time of the withdrawal, there were about 16,000 total U.S. personnel in Iraq, about half of which were contractors. Of the contractors, most were on missions to protect the U.S. Embassy and consulates, and other U.S. personnel and facilities throughout Iraq.

The following sections discuss aspects of the U.S.-Iraq security relationship from the time of the U.S. withdrawal until the crises created by ISIL’s strength and offensives.

### **Office of Security Cooperation-Iraq (OSC-I)**

The Office of Security Cooperation—Iraq (OSC-I), operating under the authority of the U.S. Ambassador to Iraq, has been the primary Iraq-based U.S. entity tasked with interacting with the Iraqi military. Its primary mission is to administer the Foreign Military Sales (FMS) programs (U.S. arms sales to Iraq). OSC-I, funded with the Foreign Military Financing (FMF) funds discussed in the aid table below, is the largest U.S. security cooperation office in the world. Prior to the June 2014 ISIL-led offensive, it worked out of the U.S. Embassy in Baghdad and five other locations around Iraq (Kirkuk Regional Airport Base, Tikrit, Besmaya, Umm Qasr, and Taji). It might have left some of those locations, particularly Tikrit, because of the ISIL-led offensive.

The total OSC-I personnel numbers over 3,500, but the vast majority are security and support personnel, most of which are contractors. Of the staff, about 175 are U.S. military personnel and an additional 45 are Defense Department civilians. About 46 members of the staff administer the Foreign Military Sales (FMS) program and other security assistance programs such as the International Military Education and Training (IMET) program. Since 2005, DOD has administered over 200 U.S.-funded FMS cases totaling \$2.5 billion, and Iraq-funded cases and



potential cases that, if all completed, have an estimated value of over \$25 billion.<sup>50</sup> Some OSC-I personnel were seconded to the U.S. mission to assess and advise the ISF in June 2014.

### ***Major Arms Sales***

The United States sold substantial quantities of arms to Iraq well before the 2014 ISIL-led uprising. Prior to the U.S. withdrawal in 2011, the United States sold Iraq 140 M1A1 Abrams tanks, of which deliveries were completed in August 2012. The tanks cost about \$860 million, of which \$800 million was paid out of Iraq's national funds. In December 2012, the U.S. Navy delivered two support ships to Iraq, which assist Iraq's fast-attack and patrol boats that secure its offshore oil platforms and other coastal and offshore locations. The United States also has sold Iraq equipment that its security forces can use to restrict the ability of insurgent and terrorist groups to move contraband across Iraq's borders and checkpoints (RAPISCAN system vehicles), at a cost of about \$600 million. Some refurbished air defense guns were provided gratis as excess defense articles (EDA).

*F-16s.* The largest FMS case is the sale of 36 U.S.-made F-16 combat aircraft to Iraq, notified to Congress in two equal tranches, the latest of which was made on December 12, 2011 (Transmittal No. 11-46). The total value of the sale of 36 F-16s is up to \$6.5 billion when all parts, training, and weaponry are included. The first deliveries of the aircraft began in late July 2014, roughly on schedule.

*Apache Attack Helicopters and Stingers.* In 2013 Iraq requested to purchase from the United States the Integrated Air Defense System and Apache attack helicopters, with a total sale value of about \$10 billion.<sup>51</sup> The sale of the Air Defense system was notified to Congress on August 5, 2013, with a value of \$2.4 billion, and included 681 Stinger shoulder held units, 3 Hawk anti-aircraft batteries, and other equipment. DSCA simultaneously notified about \$2.3 billion worth of additional sales to Iraq including of Stryker nuclear, chemical, and biological equipment reconnaissance vehicles, 12 Bell helicopters, the Mobile Troposcatter Radio System, and maintenance support.

The provision of Apaches involves the lease of 6 of the helicopters, with an estimated cost of about \$1.37 billion, and the sale of 24 more, with an estimated value of \$4.8 billion. The 6 to be leased were to arrive in July 2014 and the 24 to be sold would be delivered by 2017. As noted above, the provision of the Apaches was held up by some in Congress until after the December 2013 ISIL-led offensive in Anbar Province that exposed the weaknesses of the ISF.

### ***Non-U.S. Sales***

Iraq has sought to diversify its arms supplies. Maliki visited Russia on October 8, 2012, and signed deals for Russian arms worth about \$4.2 billion. In early November 2013, Russia delivered four Mi-35 attack helicopters to Iraq. As noted above, Russia quickly delivered several combat aircraft in late June 2014 that Iraq sought to fill the gap in its air attack capabilities that exists prior to the arrival of U.S. F-16s. In mid-October 2012, Iraq agreed to buy 28 Czech-made

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<sup>50</sup> Iraq Signs Arms Deals Worth \$4.2 Billion. *Washington Post*, October 10, 2012; Tony Capaccio. "Iraq Seeks Up to 30 General Dynamics Stryker Vehicles." Bloomberg News, November 19, 2012.

<sup>51</sup> John Hudson. "Iraqi Ambassador: Give Us Bigger Guns, And Then We'll Help on Syria." July 17, 2013.

military aircraft, a deal valued at about \$1 billion.<sup>52</sup> On December 12, 2013, South Korea signed a deal to export 24 FA-50 light fighter jets to Iraq at an estimated cost of \$1.1 billion; the aircraft will be delivered between 2015 and 2016.<sup>53</sup>

### ***Police Development Program***

A separate program is the Police Development Program, the largest program that transitioned from DOD to State Department lead, using International Narcotics and Law Enforcement (INCLE) funds. However, Iraq's drive to emerge from U.S. tutelage produced apparent Iraqi disinterest in the PDP. By late 2012, it consisted of only 36 advisers, about 10% of what was envisioned as an advisory force of 350, and it is being phased out entirely during 2013. Two facilities built with over \$200 million in U.S. funds (Baghdad Police College Annex and part of the U.S. consulate in Basra) are to be turned over the Iraqi government by December 2012. Some press reports say there is Administration consideration of discontinuing the program entirely.<sup>54</sup>

### ***Other Security Assistance and Training Programs Prior to the ISIL-Led Insurrection***

In addition to administering arms sales to Iraq, OSC-I's mandate includes training and assistance programs for the Iraq military. Because the United States and Iraq have not concluded a Status of Forces Agreement (SOFA) document that would grant legal immunities to U.S. military personnel, the 160 OSC-I personnel involved in these programs have been contractors that train Iraq's forces on counterterrorism and naval and air defense. Some are embedded with Iraqi forces as trainers not only tactically, but at the institutional level by advising Iraqi security ministries and its command structure.

As Sunni unrest increased in 2012, Iraq sought additional security cooperation with the United States. On August 19, 2012, en route to a visit to Iraq, Chairman of the Joint Chiefs of Staff General Martin Dempsey said that "I think [Iraqi leaders] recognize their capabilities may require yet more additional development and I think they're reaching out to us to see if we can help them with that."<sup>55</sup> Iraq reportedly expressed to Dempsey interest in expanded U.S. training of the ISF and joint exercises. After the Dempsey visit, it was reported that, at the request of Iraq, a unit of Army Special Operations forces had deployed to Iraq to advise on counterterrorism and help with intelligence against AQ-I/ISIL.<sup>56</sup> (These forces presumably operated under a limited SOFA or related understanding crafted for this purpose.) Other reports suggest that Central Intelligence Agency (CIA) paramilitary forces had, as of late 2012, assumed some of the DOD mission of helping Iraqi counter-terrorism forces (CTS) against ISIL in western Iraq,<sup>57</sup> while also potentially working against ISIL in Syria.

During December 5-6, 2012, Under Secretary of Defense for Policy James Miller and acting Under Secretary of State for International Security Rose Gottemoeller visited Iraq and a

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<sup>52</sup> Adam Schreck. "Iraq Presses US For Faster Arms Deliveries." Yahoo.com, October 18, 2012.

<sup>53</sup> Defense News. December 12, 2013.

<sup>54</sup> Tim Arango. "U.S. May Scrap Costly Efforts to Train Iraqi Policy." *New York Times*, May 13, 2012.

<sup>55</sup> "U.S. Hopes For Stronger Military Ties With Iraq: General." *Agence France-Presse*, August 19, 2012.

<sup>56</sup> Tim Arango. "Syrian Civil War Poses New Peril For Fragile Iraq." *New York Times*, September 25, 2012.

<sup>57</sup> Adam Entous et al. "CIA Ramps Up Role in Iraq." *Wall Street Journal*, March 12, 2013.

Memorandum of Understanding (MOU) was signed with acting Defense Minister Sadoun Dulaymi. The five year MOU provides for

- high level U.S.-Iraq military exchanges,
- professional military education cooperation,
- counter-terrorism cooperation,
- the development of defense intelligence capabilities, and
- joint exercises.

The MOU appeared to address many of the issues that were hampering OSC-I from performing its mission to its full potential. The MOU also reflects some of the more recent ideas put forward, such as joint exercises.

The concept of enhanced U.S.-Iraq cooperation gained further consideration in mid-2013. In June 2013, General Dempsey said that the United States was looking for ways to improve the military capabilities of Iraq and Lebanon, two countries extensively affected by the Syria conflict. He added that enhanced assistance could involve dispatching training teams and accelerating sales of weapons and equipment. During his August 2013 visit to Washington, DC, conducted primarily to attend meetings of the U.S.-Iraq Political and Diplomatic Joint Coordination Committee (JCC), then Foreign Minister Hoshyar Zebari indicated that Iraq wants to expand security cooperation with the United States to enhance ISF capability. During his November 1, 2013, meeting with President Obama, Maliki reportedly discussed enhanced security cooperation, including expanded access to U.S. intelligence, with U.S. officials, including President Obama and Secretary of Defense Hagel.<sup>58</sup> The joint statement issued at the conclusion of Maliki's meeting with President Obama did not specify any U.S. commitments to this level of cooperation, but did express a "shared assessment of al Qaida affiliated groups threatening Iraq."

Aside from the U.S. training for the ISF discussed above, the U.S. military has sought to integrate the ISF into regional security exercises and structures that can augment the ISF's proficiency. The United States has arranged Iraq's participation in the regional Eager Lion military exercise series in Jordan. Iraq also participated in the U.S.-led international mine countermeasures exercise off Bahrain in 2013. In July 2013, the United States convened a strategic dialogue that includes Iraq, Jordan, and the United Arab Emirates, and Egypt joined the subsequent session of the dialogue the week of November 18, 2013.

### ***Regional Reinforcement Capability***

Should the United States decide to intervene directly to assist Iraq, it retains a significant capability in the Persian Gulf region to do so. The United States has about 35,000 military personnel in the region, including about 10,000 mostly U.S. Army forces in Kuwait, a portion of which are combat ready rather than purely support forces. There is also prepositioned armor there and in Qatar. There are about 7,000 mostly Air Force personnel in Qatar; 5,000 mostly Navy personnel in Bahrain; and about 5,000 mostly Air Force and Navy in the UAE, with very small numbers in Saudi Arabia and Oman. The rest are part of at least one aircraft carrier task force in

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<sup>58</sup> Michael Gordon and Eric Schmitt. "As Security Deteriorates at Home, Iraqi Leader Arrives in U.S. Seeking Aid." *New York Times*, November 1, 2013.

or near the Gulf at any given time. The forces are in the Gulf under bilateral defense cooperation agreements with all six Gulf Cooperation Council (GCC) states that give the United States access to military facilities to station forces and preposition some heavy armor.

## **The Diplomatic and Economic Relationship**

In his withdrawal announcement, President Obama stated that, through U.S. assistance programs, the United States would be able to continue to develop all facets of the bilateral relationship with Iraq and help strengthen its institutions.<sup>59</sup> The bilateral civilian relationship was the focus of a visit to Iraq by Vice President Biden in early December 2011, just prior to the December 12, 2011, Maliki visit to the United States.

The cornerstone of the bilateral relationship is the Strategic Framework Agreement (SFA). The SFA, signed and entered into effect at the same time as the SA, presents a framework for long-term U.S.-Iraqi relations, and is intended to help orient Iraq's politics and its economy toward the West and the developed nations, and reduce its reliance on Iran or other regional states. The SFA sets up a Higher Coordination Committee (HCC) as an institutional framework for high-level U.S.-Iraq meetings, and subordinate Joint Coordinating Committees. No meeting of the HCC was held in 2012, but Foreign Minister Zebari's August 2013 visit was in conjunction with one of the JCCs. During Maliki's October 29-November 1, 2013, visit, the HCC was convened—the fourth meeting of the HCC since the SFA was signed.

The SFA provides for the following (among other provisions):

- U.S.-Iraq cooperation “based on mutual respect,” and that the United States will not use Iraqi facilities to launch any attacks against third countries, and will not seek permanent bases.
- U.S. support for Iraqi democracy and support for Iraq in regional and international organizations.
- U.S.-Iraqi dialogue to increase Iraq's economic development, including through the Dialogue on Economic Cooperation and a Trade and Investment Framework Agreement (TIFA). The United States and Iraq announced on March 6, 2013, that a bilateral TIFA had been finalized.
- Promotion of Iraq's development of its electricity, oil, and gas sector.
- U.S.-Iraq dialogue on agricultural issues and promotion of Iraqi participation in agricultural programs run by the U.S. Department of Agriculture and USAID.
- Cultural cooperation through several exchange programs, such as the Youth Exchange and Study Program and the International Visitor Leadership Program. The joint statement following Maliki's meeting with President Obama said that nearly 1,000 Iraqi students were studying in the United States and that the two sides had a “shared commitment” to increase that number and to increase cultural, artistic, and scientific exchanges.

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<sup>59</sup> Remarks by the President on Ending the War in Iraq.” <http://www.whitehouse.gov>, October 21, 2011.

State Department-run aid programs are intended to fulfill the objectives of the SFA, according to State Department budget documents. These programs are implemented mainly through the Economic Support Fund, and the State Department budget justification for foreign operations for FY2014 indicates that most U.S. economic aid to Iraq for FY2014 will go to programs to promote democracy, adherence to international standards of human rights, rule of law, and conflict resolution. Programs funded by the State Department Bureau of International Narcotics and Law Enforcement (INL) will focus on rule of law, moving away from previous use of INL funds for police training. Funding will continue for counterterrorism operations (NADR funds), and for anti-corruption initiatives.

U.S. officials stress that the United States does not bear the only burden for implementing the programs above, in light of the fact that Iraq is now a major oil exporter. For programs run by USAID in Iraq, Iraq matches one-for-one the U.S. funding contribution.

### *The State Department as Lead Agency*

The State Department became the lead U.S. agency in Iraq as of October 1, 2011, and closed its “Office of the Iraq Transition Coordinator” in March 2012. The Ambassador in Iraq is Robert Stephen Beecroft, who was confirmed by the Senate in September 2012. Ambassador Stuart Jones was nominated as his successor in May 2014. In July 2011, as part of the transition to State leadership in Iraq, the United States formally opened consulates in Basra, Irbil, and Kirkuk. An embassy branch office was considered for Mosul but cost and security issues kept the U.S. facility there limited to a diplomatic office. The Kirkuk consulate closed at the end of July 2012 due in part to security concerns, as well as to save costs.

Some future U.S. plans might be revised in light of the ISIL-led offensive, which caused a relocation of some U.S. official personnel from Baghdad to the consulates in Irbil and in Basra, and later from the Irbil consulate as ISIL-led forces closed in on that city in August. The State Department has planned to replace the U.S. consulate in Irbil with a New Consulate Compound in Irbil, and the FY2014 Consolidated Appropriation, P.L. 113-76, provided \$250 million for that purpose.

Even before the ISIL-led offensive, the size and cost of the U.S. civilian presence in Iraq was undergoing reduction. U.S. officials said in mid-2012 that the U.S. Embassy in Baghdad, built at a cost of about \$750 million, carries too much staff relative to the needed mission. From over 16,000 personnel at the time of the U.S. withdrawal, the number of U.S. personnel in Iraq fell to about 10,000 in mid-2013 and to about 5,500 at the end of 2013.<sup>60</sup> Of the U.S. personnel in Iraq, about 1,000 are U.S. diplomats or other civilian employees of the U.S. government.<sup>61</sup>

The State Department allocation for operations (which includes costs for the Embassy as well as other facilities and all personnel in Iraq) is about \$1.18 billion for FY2014—less than half the \$2.7 billion provided in FY2013, and down 66% from the \$3.6 billion provided in FY2012. FY2012 was considered a “transition year” to State Department leadership, requiring high start-up costs.

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<sup>60</sup> Ernesto Londono. “U.S. Clout Wanes in Iraq.” *Washington Post*, March 24, 2013.

<sup>61</sup> Tim Arango. “U.S. Plans to Cut Its Staff by Half at Iraq Embassy.” *New York Times*, February 8, 2012.

### ***No Sanctions Impediments***

As the U.S.-Iraq relationship matures, some might focus increasingly on U.S.-Iraq trade and U.S. investment in Iraq. After the fall of Saddam Hussein, all U.S. economic sanctions against Iraq were lifted. Iraq was removed from the “terrorism list,” and the Iraq Sanctions Act (Sections 586-586J of P.L. 101-513), which codified a U.S. trade embargo imposed after Iraq’s invasion of Kuwait, was terminated. As noted above in the section on the Gulf states, in December 2010, a series of U.N. Security Council resolutions removed most remaining “Chapter VII” U.N. sanctions against Iraq, with the exception of the reparations payments to Kuwait. The lifting of U.N. sanctions allows any country to sell arms to Iraq. Iraq still is required to comply with international proliferation regimes that bar it from reconstituting Saddam-era weapons of mass destruction programs. On October 24, 2012, Iraq demonstrated its commitment to compliance with these restrictions by signing the “Additional Protocol” of the Nuclear Non-Proliferation Treaty. Because sanctions have been lifted, there are no impediments to U.S. business dealings with Iraq.



**Table 3. March 2010 COR Election: Final, Certified Results by Province**

Province	Elected Seats in COR	Results
Baghdad	68	Maliki: 26 seats; Iraqiyya: 24 seats; INA: 17 seats; minority reserved: 2 seats
Nineveh (Mosul)	31	Iraqiyya: 20; Kurdistan Alliance: 8; INA: 1; Accordance: 1; Unity (Bolani): 1; minority reserved: 3
Qadisiyah	11	Maliki: 4; INA: 5; Iraqiyya: 2
Muthanna	7	Maliki: 4; INA: 3
Dohuk	10	Kurdistan Alliance: 9; other Kurdish lists: 1; minority reserved: 1
Basra	24	Maliki: 14; INA: 7; Iraqiyya: 3
Anbar	14	Iraqiyya: 11; Unity (Bolani): 1; Accordance: 2
Karbala	10	Maliki: 6; INA: 3; Iraqiyya: 1
Wasit	11	Maliki: 5; INA: 4; Iraqiyya: 2
Dhi Qar	18	Maliki: 8; INA: 9; Iraqiyya: 1
Sulaymaniyah	17	Kurdistan Alliance: 8; other Kurds: 9
Kirkuk (Tamim)	12	Iraqiyya: 6; Kurdistan Alliance: 6
Babil	16	Maliki: 8; INA: 5; Iraqiyya: 3
Irbil	14	Kurdistan Alliance: 10; other Kurds: 4
Najaf	12	Maliki: 7; INA: 5
Diyala	13	Iraqiyya: 8; INA: 3; Maliki: 1; Kurdistan Alliance: 1
Salahuddin	12	Iraqiyya: 8; Unity (Bolani): 2; Accordance: 2
Maysan	10	Maliki: 4; INA: 6
<b>Total Seats</b>	<b>325</b> (310 elected + 8 minority reserved + 7 compensatory)	Iraqiyya: 89 + 2 compensatory = 91 Maliki: 87 + 2 compensatory = 89 INA: 68 + 2 compensatory = 70 (of which about 40 Sadrist) Kurdistan Alliance: 42 + 1 compensatory = 43 Unity (Bolani): 4 Accordance: 6 other Kurdish: 14 minority reserved: 8

**Source:** Iraqi Higher Election Commission, March 26, 2010.

**Note:** Total seats do not add to 325 total seats in the COR due to some uncertainties in allocations.

**Table 4. U.S. Assistance to Iraq: FY2003-FY2015**

(appropriations/allocations in millions of dollars)

	FY '03	04	05	06	07	08	09	10	11	12	Total 03-12	FY13	FY14	FY15 (request)
IRRF	2,475	18,389	—	10	—	—	—	—	—	—	20,874			
ESF	—	—	—	1,535.4	1,677	429	541.5	382.5	325.7	250	5,140	72.3	72.3	22.5
Democracy Fund	—	—	—	—	250	75	—	—	—	—	325			
IFTA (Treasury Dept. Asst.)	—	—	—	13.0	2.8	—	—	—	—	—	15.8			
NADR	—	—	3.6	—	18.4	20.4	35.5	30.3	29.8	32	170	31.1	31.1	23.86
Refugee Accounts (MRA and ERMA)	39.6	.1	—	—	78.3	278	260	316	280	—	1,100			
IDA	22	—	7.1	.3	45	85	51	42	17	—	269			
Other USAID Funds	470	—	—	—	—	23.8	—	—	—	—	494			
INCLE	—	—	—	91.4	170	85	20	702	114.6	137	1,320	13.5	13.5	11.0
FMF	—	—	—	—	—	—	—	—	—	850	850	471.3	471.3	250
IMET	—	1.2	—	—	1.1	—	2	2	1.7	2	10	1.1	1.7	1.4
DOD—ISF Funding	—	—	5,391	3,007	5,542	3,000	1,000	1,000	1,155	—	20,095			
DOD— Iraq Army	51.2	—	210	—	—	—	—	—	—	—	261			
DOD— CERP	—	140	718	708	750	996	339	263	44.0	—	3,958			
DOD—Oil Repair	802	—	—	—	—	—	—	—	—	—	802			
DOD— Business Support	—	—	—	—	50.0	50.0	74.0	—	—	—	174			
<b>Total</b>	<b>3,859</b>	<b>18,548</b>	<b>6,329</b>	<b>5,365</b>	<b>8,584</b>	<b>5,042</b>	<b>2,323</b>	<b>2,738</b>	<b>1,968</b>	<b>1,519</b>	<b>56,259</b>	<b>589.4</b>	<b>590</b>	<b>308.7</b>

**Sources:** FY2014 Consolidated Appropriation (P.L. 113-76); State Department FY2015 budget documents, and CRS calculations.

**Notes:** Table prepared by Curt Tarnoff, Specialist in Foreign Affairs. This table does not contain agency operational costs, except where these are embedded in the larger reconstruction accounts. IMET=International Military Education and Training; IRRF=Iraq Relief and Reconstruction Fund; INCLE=International Narcotics and Law Enforcement Fund; ISF=Iraq Security Force; NADR=Nonproliferation, Anti-Terrorism, Demining and Related; ESF=Economic Support Fund; IDA=International Disaster Assistance; FMF=Foreign Military Financing; ISF= Iraqi Security Forces. FY2015 request includes \$250 million to construct new consulate compound in Basra to support Iraq's oil and oil export industry expansion.

**Table 5. Recent Democracy Assistance to Iraq**

(in millions of current dollars)

	<b>FY2009</b>	<b>FY2010 (act.)</b>	<b>FY2011</b>	<b>FY2012</b>
Rule of Law and Human Rights	32.45	33.3	16.5	29.75
Good Governance	143.64	117.40	90.33	100.5
Political Competition/Consensus-Building	41.00	52.60	30.00	16.25
Civil Society	87.53	83.6	32.5	55.5
<b>Totals</b>	<b>304.62</b>	<b>286.9</b>	<b>169.33</b>	<b>202.0</b>

**Source:** Congressional Budget Justification, March 2011. Figures for these accounts are included in the overall assistance figures presented in the table above. FY2013 and FY2014 ESF and INCLE-funded programs focus extensively on democracy and governance, rule of law, and anti-corruption.

**Table 6. Election Results (January and December 2005)**

Bloc/Party	Seats (Jan. 05)	Seats (Dec. 05)
United Iraqi Alliance (UIA, Shiite Islamist). 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance—KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec.) pro-Sadr	3	2
People's Union (Communist, nonsectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (nonsectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

**Notes:** Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/December: 75% (12 million).

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